

MEDICAL DEPARTMENT.

To be assistant surgeons-general with the rank of colonel.

Lieut. Col. Justus M. Brown, deputy surgeon-general, to fill an original vacancy.

Lieut. Col. Charles Smart, deputy surgeon-general, to fill an original vacancy.

To be deputy surgeons-general with the rank of lieutenant-colonel.

Maj. Joseph B. Girard, surgeon, vice Brown, promoted.

Maj. Ezra Woodruff, surgeon, vice Smart, promoted.

Maj. John D. Hall, surgeon, to fill an original vacancy.

Maj. Philip F. Harvey, surgeon, to fill an original vacancy.

PAY DEPARTMENT.

To be assistant paymaster-general with the rank of colonel.

Lieut. Col. Albert S. Towar, deputy paymaster-general, to fill an original vacancy.

To be deputy paymasters-general with the rank of lieutenant-colonel.

Maj. Francis S. Dodge, paymaster, vice Towar, promoted.

Maj. Charles McClure, paymaster, to fill an original vacancy.

CORPS OF ENGINEERS.

To be captains.

First Lieut. Charles S. Bromwell, Corps of Engineers, to fill an original vacancy.

First Lieut. Spencer Cosby, Corps of Engineers, to fill an original vacancy.

To be first lieutenants.

Second Lieut. William P. Wooten, Corps of Engineers, to fill an original vacancy.

Second Lieut. Lytle Brown, Corps of Engineers, to fill an original vacancy.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Frank G. Smith, Sixth Artillery, to fill an original vacancy.

Lieut. Col. George B. Rodney, Fourth Artillery, to fill an original vacancy.

To be lieutenant-colonels.

Maj. Charles Morris, Seventh Artillery, vice Smith, Sixth Artillery, promoted.

Maj. James B. Burbank, Fifth Artillery, vice Rodney, Fourth Artillery, promoted.

Maj. Samuel M. Mills, Sixth Artillery, to fill an original vacancy.

To be major.

Capt. Louis V. Caziarc, Second Artillery, vice Morris, Seventh Artillery, promoted.

CAVALRY ARM.

To be colonels.

Lieut. Col. Almond B. Wells, Ninth Cavalry, to fill an original vacancy.

Lieut. Col. Theodore J. Wint, Sixth Cavalry, to fill an original vacancy.

Lieut. Col. Francis Moore, Tenth Cavalry, to fill an original vacancy.

Lieut. Col. Henry W. Wessells, jr., Third Cavalry, to fill an original vacancy.

Lieut. Col. James N. Wheelan, Seventh Cavalry, to fill an original vacancy.

To be lieutenant-colonels.

Maj. Albert E. Woodson, Ninth Cavalry, vice Wells, Ninth Cavalry, promoted.

Maj. Edward S. Godfrey, Seventh Cavalry, vice Wint, Sixth Cavalry, promoted.

Maj. Louis H. Rucker, Sixth Cavalry, vice Moore, Tenth Cavalry, promoted.

Maj. Eli L. Huggins, Sixth Cavalry, vice Wessells, Third Cavalry, promoted.

Maj. William C. Forbush, Ninth Cavalry, vice Wheelan, Seventh Cavalry, promoted.

Maj. Jacob A. Augur, Fourth Cavalry, to fill an original vacancy.

Maj. Allen Smith, First Cavalry, to fill an original vacancy.

Maj. Argalus G. Hennisee, Second Cavalry, to fill an original vacancy.

Maj. Samuel M. Swigert, Third Cavalry, to fill an original vacancy.

Maj. Richard H. Pratt, Tenth Cavalry, to fill an original vacancy.

To be majors.

Capt. Frank West, Ninth Cavalry, vice Woodson, Ninth Cavalry, promoted.

Capt. George F. Chase, Third Cavalry, vice Godfrey, Seventh Cavalry, promoted.

Capt. William H. Beck, Tenth Cavalry, vice Rucker, Sixth Cavalry, promoted.

Capt. Peter S. Bomus, First Cavalry, vice Huggins, Sixth Cavalry, promoted.

Capt. Francis Michler, Fifth Cavalry, vice Forbush, Ninth Cavalry, promoted.

Capt. James Parker, Fourth Cavalry, vice Augur, Fourth Cavalry, promoted.

Capt. Joseph Garrard, Ninth Cavalry, vice Smith, First Cavalry, promoted.

Capt. Frank U. Robinson, Second Cavalry, vice Hennisee, Second Cavalry, promoted.

Capt. Otto L. Hein, First Cavalry, vice Swigert, Third Cavalry, promoted.

Capt. George H. Paddock, Fifth Cavalry, vice Pratt, Tenth Cavalry, promoted.

Capt. Samuel W. Fountain, Eighth Cavalry, to fill an original vacancy.

INFANTRY ARM.

To be colonels.

Lieut. Col. Mott Hooton, Fifth Infantry, to fill an original vacancy.

Lieut. Col. William M. Van Horne, Eighteenth Infantry, to fill an original vacancy.

Lieut. Col. Constant Williams, Fifteenth Infantry, to fill an original vacancy.

Lieut. Col. Augustus W. Corliss, Second Infantry, to fill an original vacancy.

Lieut. Col. Richard I. Eskridge, Twenty-third Infantry, to fill an original vacancy.

To be lieutenant-colonels.

Maj. Alpheus H. Bowman, Second Infantry, vice Hooton, Fifth Infantry, promoted.

Maj. Joel T. Kirkman, Sixteenth Infantry, vice Van Horne, Eighteenth Infantry, promoted.

Maj. Morris C. Foote, Ninth Infantry, vice Williams, Fifteenth Infantry, promoted.

Maj. Edmund Rice, Third Infantry, vice Corliss, Second Infantry, promoted.

Maj. Charles G. Penney, Twenty-second Infantry, vice Eskridge, Twenty-third Infantry, promoted.

Maj. William Quinton, Fourteenth Infantry, to fill an original vacancy.

Maj. Jesse C. Chance, Fifth Infantry, to fill an original vacancy.

Maj. Charles H. Noble, Twenty-fifth Infantry, to fill an original vacancy.

Maj. John F. Stretch, Eighth Infantry, to fill an original vacancy.

Maj. William P. Rogers, Twentieth Infantry, to fill an original vacancy.

To be majors.

Capt. J. Rozier Clagett, Eleventh Infantry, vice Bowman, Second Infantry, promoted.

Capt. Charles J. Crane, Twenty-fourth Infantry, vice Kirkman, Sixteenth Infantry, promoted.

Capt. Hobart K. Bailey, Fifth Infantry, vice Foote, Ninth Infantry, promoted.

HOUSE OF REPRESENTATIVES.

MONDAY, February 4, 1901.

The House met at 12.15 p. m., at the conclusion of the exercises in memory of the late Chief Justice John Marshall.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 1 o'clock.

The motion was agreed to; and accordingly the House was in recess until 1 o'clock.

AFTER THE RECESS.

The House resumed its session.

CUBAN CLAIMS COMMISSION.

The SPEAKER. By order of the House made January 28, the unfinished business this morning is the bill which the Clerk will report to the House.

The Clerk read as follows:

A bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.

The SPEAKER. By order of the House on that day debate was limited to fifteen minutes on a side, one-half of the time to be controlled by the gentleman from Iowa, Mr. HAUGEN, and the other half to be controlled by the gentleman from Alabama, Mr. UNDERWOOD. Of that time the gentleman from Iowa has ten minutes

remaining and the gentleman from Alabama has six minutes remaining. The Chair recognizes the gentleman from Iowa.

Mr. HAUGEN. Mr. Speaker, I wish to yield two minutes to the gentleman from Ohio, Mr. GROSVENOR.

Mr. GROSVENOR. Mr. Speaker, at the time this bill was pending before, the gentleman from Alabama [Mr. UNDERWOOD], whom I do not see in his seat at this time, made a statement to the House that there had already accumulated in the hands of the Secretary of State upward of \$50,000,000 of claims, at the same time stating that a single attorney or partnership in a law office in this city had something like fifty millions accumulated in their hands. I have a statement, which my time is too short to read, saying that all the property owned by citizens of the United States in Cuba at the beginning of the war did not amount to \$50,000,000, and that not exceeding \$29,000,000 has been filed up to this time; and that the attorneys to whom reference was made have an aggregate of only \$6,000,000 placed in their hands.

I wish to repeat my statement that the sending of these claims to the Court of Claims, under all the circumstances, would be to practically abandon them to the long delay which has gotten us into the trouble that I referred to in the few remarks I made on the subject of Southern claims a few days ago. If we want to minimize these claims and put an end to them, the process of bringing it about is to have a commission, with full power and authority and with a limit of time.

Now, I want to add that the criticism of the gentleman from Alabama that the papers and letters and documents which should be filed in support of these claims, under the restrictions of the act, that that is a proposition that would result in the introduction of incompetent evidence, I want to say to the gentleman that that proposition is the best protection the Government has, because it is the original, early statement of the claimant himself at the time when he has not doubled and quadrupled the claim, as we know has been done in other cases.

Mr. PAYNE. Could not all these statements and claims be introduced as competent evidence if this section was wiped out?

Mr. GROSVENOR. Certainly; for what they are worth.

Mr. PAYNE. How does it aid the Government?

Mr. GROSVENOR. By putting in their hands the original declaration of the claimant.

Mr. PAYNE. But suppose that is the only evidence the parties have in their favor—they can get judgment on it.

Mr. GROSVENOR. Not at all. The very limitation put in the section says—

Mr. PAYNE. There must be a new limitation since I read it. It leaves it in the discretion of the commission to require other evidence—

Mr. GROSVENOR. It is absolutely imperative on their part.

Mr. PAYNE. It leaves the matter in the discretion of the commission; and if in their discretion they do not require other evidence—

Mr. GROSVENOR. I admit that it is for them to say what the evidence is worth, but it is not left to their discretion to say that it shall be taken as competent evidence.

Mr. PAYNE. Oh, yes it is.

Mr. GROSVENOR. I would strike out the whole of that section.

Mr. PAYNE. I agree with the gentleman.

Mr. GROSVENOR. But I would not send these claims to the Court of Claims to be quadrupled and sextupled as time goes on.

Mr. PAYNE. I agree with the gentleman on that.

Mr. HOPKINS. Suppose section 8 be stricken out, what will be the character of the evidence that will be submitted before the commission?

Mr. GROSVENOR. Such evidence as would be submitted in any other court of law.

Mr. HOPKINS. Would that be the case?

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. HOPKINS. I move that the gentleman's time be extended.

Mr. GROSVENOR. I do not want any more time.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has six minutes remaining.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the Chair what is the exact parliamentary status of this bill?

The SPEAKER. The parliamentary status is this: On the 28th of January, a week ago, a vote was being taken on agreeing to an amendment reported by the committee pursuant to the instructions of the House. Before the announcement of the result of the vote the gentleman from Alabama [Mr. UNDERWOOD] asked unanimous consent that there be allowed fifteen minutes debate on each side. That proposition was agreed to by the House, and by unanimous consent the vote which had just been taken was set aside; so that immediately after the conclusion of the fifteen minutes' debate on each side the question coming before the House would be on the amendment recommended by the committee.

Mr. UNDERWOOD. What I desired to ask more particularly was this: Is the bill that the committee reports a bill to refer the matter to the Court of Claims, or is it to substitute a proposition to create a commission?

The SPEAKER. The question is on agreeing to the amendment reported from the committee by way of substitute.

Mr. HOPKINS. Then allow me one word—

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has the floor.

Mr. HOPKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOPKINS. I was just about to do so. If this substitute be voted down, then will the bill be read by sections and be subject to amendment?

The SPEAKER. The bill will be open to amendment, but will not be read by sections. It is being considered in the House. The gentleman from Alabama will proceed.

Mr. UNDERWOOD. Mr. Speaker, I have already stated my objections to the substitute offered by the committee. But there may be some members here to-day who were not here when this question was up for discussion before. So I will briefly state again my reasons why I believe this substitute ought to be defeated.

Mr. HOPKINS. The gentleman means that the substitute ought to be adopted.

Mr. UNDERWOOD. No; the substitute, as I understand, is the Haugen bill, the original proposition before the committee. I will ask the gentleman from Iowa [Mr. HAUGEN] whether that is not the situation? Is not the proposition for creating the commission the amendment as you reported it?

Mr. HAUGEN. The substitute is to refer the whole matter to the Court of Claims. The other proposition has been voted down, and we have passed that stage of the proceedings.

Mr. UNDERWOOD. Then I was mistaken as to the position of the question.

The reason I believe the amendment should be adopted is not only because the House has once already instructed the committee to bring in that amendment, but also because we have a well-organized, well-equipped court to try these cases—a court capable of trying them and disposing of them. I know it is contended here by some gentlemen that cases lie in the Court of Claims for ten or twelve years without being disposed of; but there is not a man on the floor of this House who does not know that cases begun within the last three years have been tried and disposed of in that court when counsel have shown due diligence in taking testimony and pushing their cases to a conclusion. There is no question that if we send these Spanish war claims to the Court of Claims we shall have a well-trained judicial tribunal to try them.

There are on that bench judges of experience to handle these cases, and there are practicing before that court well-equipped attorneys to take testimony on behalf of the Government. Before that court these cases will be tried according to the forms of law. We have here claims amounting to \$50,000,000. Many of them are brought by so-called citizens—men who merely came across the borders of this country to take out their naturalization papers to be used as a protection for themselves in case they were captured by the Spanish Government during the Cuban insurrection. Many of these men, who never came here with the sincere intention of becoming citizens, were captured and imprisoned; and now they are coming to us and claiming that we should pay them damages for the unlawful imprisonment that they suffered or say they suffered at the hands of the Spanish Government.

There are now, Mr. Speaker, \$29,000,000 of these claims on record in the State Department. It is said that the total amount will be swelled to at least \$50,000,000 before the claims are all presented, and yet they are not willing to try them according to the ordinary rules and testimony which prevail in the Court of Claims. They are not willing to go before that Court of Claims, where your constituents must go and mine must go, in order to sustain their claims. But they want the rules of evidence changed, in the bill now offered, and are not willing to go before that court, as other claimants must go, and try the case upon the issues there presented, but insist that there shall be a change with reference to all claims of this character that they may submit.

According to the proposition brought in here by the committee, these claims can be tried simply and solely on the ex parte statement of the claimant himself, without any other word or line of testimony. That, I think, is a very serious objection to the proposition now confronting us. It is true that these commissioners designated in the bill have the right to take other testimony, if they shall see proper to do so. But if they do not see proper they can just simply take the partisan—the ex parte—statement of the claimant and try the case on that testimony and that alone.

Mr. HAUGEN. Will the gentleman yield to me for an interruption?

Mr. UNDERWOOD. I have but two or three minutes of my time remaining.

Mr. HAUGEN. Only a question.

Mr. UNDERWOOD. Very well; I will yield to the gentleman.
Mr. HAUGEN. Is the gentleman aware of the fact that there are now some 28,000 cases pending before the Court of Claims, and does he not himself assert as a fact that there are some \$50,000,000 involved in the claims now pending?

Mr. UNDERWOOD. Well, Mr. Speaker, if the Court of Claims has not enough judges to hear and determine these cases, then it is the duty of Congress to provide additional judges. If the court is overwhelmed with its work, then it would be an easy matter for Congress to provide additional justices there. If they have not enough attorneys to represent the interests of the Government in this matter and in other matters coming before the court, let us provide them, as we have the right to do, to protect the interests of the Government.

As for myself, I would be willing, as this is an international matter, to give precedence, in the consideration of the court, to these Spanish war claims; but I do contend and say now that I do not think it to be an equal and fair treatment of the people of this country, who have claims before this court to the extent of many millions of dollars, that these claims should be referred to any other tribunal instead of the one provided by law. We know that this is an honest court and the judges are capable, and we know that they are competent to try the cases, and that it is a court which is able to protect the interests of the people of this country.

I do not know anything whatever of this commission proposed here. We do not know who shall constitute the commission. It is an untried scheme up to this time. I am not reflecting upon the Administration or the appointing power when I say that we may not have the proper men appointed to represent the interests of the Government and to try these cases. It is a circumstance which must be taken into consideration. You will have, necessarily, to take untried men. It may be that they will be as good and as competent and able as the men who are sitting now upon the bench of the Court of Claims. I hope that will be the result. But who can say that it will be?

I do not see any reason why the House of Representatives should be willing to take such chances. Why change the rules of evidence? Why not let these claims—these Spanish war claims—stand on the same footing before the Court of Claims that my constituents and your constituents must stand when they bring a claim before the Government for adjustment? And for that reason I say that we should adopt the substitute, which I think covers the entire ground, which gives these claims a proper opportunity before the court, and in a manner to which there can be no reasonable objection.

I reserve the remainder of my time.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from New York [Mr. RAY] for one minute.

Mr. RAY of New York. Mr. Speaker, I simply desire to occupy that time for the purpose of submitting a request for unanimous consent, which request is that, in view of the importance of this matter, and in the interest of the members of the House who desire to be heard, the time for debate shall be extended to thirty minutes on each side, of course to be equally divided.

The SPEAKER. The gentleman asks unanimous consent that the time be extended to thirty minutes on a side. Is there objection?

Mr. BURKE of Texas. I wish to submit a suggestion to the gentleman from New York, by adding that the substitute be read to the House so that we may know what is pending.

Mr. PAYNE. The substitute is very short, and of course there will be no objection to that.

The SPEAKER. Both the bill and the substitute have been already read, the Chair would suggest. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. UNDERWOOD. Do I understand that thirty minutes on each side is allowed?

Mr. HOPKINS. Thirty minutes for and thirty against.

The SPEAKER. The Chair has stated that there was no objection to the agreement, and that order will be made in the absence of objection.

The gentleman from Iowa [Mr. HAUGEN] has thirty-six minutes remaining, and the gentleman from Alabama thirty minutes under the order just made.

Mr. HAUGEN. If the gentleman from Alabama [Mr. UNDERWOOD] wishes to continue, I will reserve my time.

Mr. UNDERWOOD. I had completed my remarks. I have not been consulted by any gentlemen on this side of the House who desire to speak further. If the gentleman will ask some one on his side to take the floor now, I will occupy my time later.

Mr. HAUGEN. I yield six minutes to the gentleman from New York [Mr. RAY].

Mr. RAY of New York. Mr. Speaker, when this bill was up for consideration before, it came to my attention suddenly, and it struck me that it provided for a large number of officers, with

quite large pay, unnecessarily, and that these claims could go just as well to the Court of Claims and be adjudicated there. Since that time I have carefully examined the question and considered it in all its phases, and have come to the conclusion that we ought to pass the Senate bill, provided it can be amended by striking out section 8. Section 8 of the Senate bill is certainly mischievous and dangerous to the United States.

There is no reason for retaining it in the bill. If we strike it out, every paper on file in any of the Departments made by the claimants that is favorable to the United States contradictory of the claim made can be put in evidence, while the self-serving declarations of these claimants will be shut out. In other words, claims and letters that claimants have written, papers that they have gotten up in their own interest, could not be put in evidence if contradictory of the claimants' statements at the trial.

Mr. HOPKINS. Will my friend allow me?

Mr. RAY of New York. Certainly.

Mr. HOPKINS. This bill proposes not a court but a commission. It is a purely statutory proceeding, and whatever tribunal is created is statutory.

Now, would you not be obliged to have something in place of section 8, providing what kind of evidence should be competent? In other words, would it not be required, if you should strike out section 8, that you should provide that the evidence received in courts of law should govern and control the proceedings in these cases? Ought there not to be apt language covering that point?

Mr. RAY of New York. Mr. Speaker, I think the rules of the common law relating to the introduction of evidence would be applicable if section 8 is out, and that no other evidence could be introduced. But, further than that, in another section of the bill it is provided:

It shall adjudicate said claims according to the merits of the several cases, the principles of equity and of international law.

I do not see why it is necessary to provide in the bill what rules of evidence shall apply. If we undertake to go into that matter we shall make a very grave mistake. I have no doubt in my own mind that the rules of the common law in regard to the introduction of evidence and the competency of evidence would apply here on the trial of these claims before the tribunal created by this bill—the Senate bill, I refer to.

Mr. GROSVENOR. Is there not much more danger that in undertaking to prescribe a rule of evidence you will limit the power of the Government to protect itself than there is that you will benefit it?

Mr. RAY of New York. That is what I think, that there is more danger to the Government of the United States in attempting to prescribe rules of evidence than there would be in leaving it as it is. Now, Mr. Speaker, it seems to me that in view of the peculiar character of these claims, they all arising against Spain and involving questions of international law, that we had better have a new tribunal organized for their trial and adjudication. They are all of a peculiar character, growing out of certain conditions that existed between citizens of the United States having property in Cuba and the Kingdom of Spain.

Mr. PAYNE. Has the gentleman investigated to ascertain the condition of the business before the Court of Claims?

Mr. RAY of New York. The business before the Court of Claims is in such shape that if it takes up these claims, which amount to hundreds in number and involve millions of dollars, about forty millions, all other claims of other citizens of the United States will have to wait for two or three years, and I think four or five years; because I am satisfied that these claims arising under this treaty will not be adjudicated and finally disposed of within the next five or six years. It is in view of all these circumstances that I have changed my mind.

Mr. HOPKINS. Will the gentleman allow me?

Mr. RAY of New York. Certainly.

Mr. HOPKINS. Does not this bill provide that this tribunal shall exist only two years?

Mr. RAY of New York. Yes, but power is given to the President of the United States to continue its life:

Provided, That the President may, from time to time, extend the said period beyond said two years, not exceeding six months in each instance, when in his judgment such extension is necessary to enable the commission to complete its work; *And provided further*, That in case the commission shall have completed its work before the expiration of the said two years the President may dissolve said commission.

Now, I think that under that there can be no doubt that the President of the United States has full power, by extensions of six months at a time, to extend that tribunal indefinitely; but of course we are all willing to trust to his good judgment, because no member of this House thinks for an instant that he would continue this commission in existence for a longer period of time than is actually necessary.

[Here the hammer fell.]

Mr. ALEXANDER. Mr. Speaker, I do not care to discuss the merits of this measure, but I desire to say that the Court of Claims is practically up with its work. I am informed on good authority

that less than thirty cases are now waiting decision by that court. As rapidly as cases are presented they are decided. The few cases awaiting decision have only recently been argued, and decisions will undoubtedly be handed down within a few days. I believe this statement should be made in behalf of that court, which attends to its work promptly and well. If cases are not presented, the court is not to blame. Undoubtedly hundreds of cases are waiting to be argued, but the court is not to blame if they are not presented and argued. It is ready to hear them, and whenever presented they are promptly disposed of.

Mr. HAUGEN. I yield to the gentleman from Vermont [Mr. POWERS] five or ten minutes.

Mr. POWERS. Mr. Chairman, there seems to be a little confusion in the minds of members as to the status of this question. At the outset of this matter in the House of Representatives several bills were proposed. The gentleman from Mississippi [General CATCHINGS] introduced a bill that is substantially the same as the bill which passed the Senate. I had the honor of introducing a bill which was substantially in accord with the Senate bill, varying in some unimportant particulars. Now, the whole matter was referred to the Committee on War Claims, and under instructions from the House the matter was recommitted to them to report a bill referring the whole matter to the Court of Claims.

I agree with the gentleman from New York that the Court of Claims is not the tribunal which should be intrusted with this matter; not that they are incompetent to do it, but that they are overworked. These are claims by citizens of the United States against the Kingdom of Spain for damages done to them during the insurrection in Cuba that ought to be adjudicated at the earliest practical moment. The uniform practice of the Government has been, in international matters of this kind, to refer them to a separate tribunal, called a commission.

Now, then, it seems to me, Mr. Speaker, that the easiest way to solve this difficulty and harmonize all conflicting views is to adopt the Senate bill which was sent over to us and is numbered 2799; and if the question is not already before the House, I move to adopt the Senate bill as a substitute.

Mr. PAYNE. This substitute is an amendment to the Senate bill, and if the substitute is voted down the question will be on the Senate bill.

Mr. POWERS. I understand from the gentleman from New York [Mr. PAYNE] that this motion is not necessary. I agree with the gentleman from New York [Mr. RAY] that section 8 of the Senate bill is dangerous, and might embarrass the United States in protecting its rights. I would, therefore, strike out that section. If I had my own way, I should prefer a commission of five persons to three, as provided in the Senate bill; but I am not strenuous in that matter. Perhaps three can do it just as well.

Now, then, this bill provides, Mr. Speaker, not for the adjudication of claims that our citizens may have against the insurgents. It is a well-known historic fact that great damage was done to people of the United States by the insurgents themselves. They destroyed property; but under the terms of the treaty with Spain nothing but claims of citizens of the United States against the Kingdom of Spain can go before the commission. The commission is armed fully with power to adjudicate these claims according to the rules of equity and international law. A petition is to be served on the Attorney-General by the claimant, who is to set forth fully the claim, make oath to it before a commissioner authorized to take evidence, have the testimony taken, and then the commission, upon the whole facts of the case, determine the rights of these claimants. Now, then, the safety of the United States is assured under this plan, and the rights of these claimants are assured under this arrangement; and it is the easiest way out to simply adopt the Senate bill with the amendment striking out section 8. That is all I have to say; and I yield back the remainder of my time to the gentleman from Iowa.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12513. An act to extend the privileges of the seventh section of the immediate transportation act to Saginaw, Mich.;

H. R. 11970. An act to authorize the Chattahoochee and Gulf Railroad Company, of Alabama, to construct a bridge across the Choctawhatchee River, a navigable stream, in Geneva County, Ala.; and

H. R. 10664. An act granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation.

The message also announced that the Senate had passed, with amendments, bills of the following titles in which the concurrence of the House was requested:

H. R. 10899. An act to restore to the public domain a small

tract of the White Mountain Apache Indian Reservation in the Territory of Arizona; and

H. R. 971. An act to divide Kentucky into two judicial districts.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4150. An act to promote the circulation of reading matter among the blind;

S. 4248. An act for the relief of Andrew H. Russell and William R. Livermore;

S. 4550. An act providing for an additional circuit judge in the Second judicial circuit;

S. 5014. An act to authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River;

S. 5092. An act to provide for the erection of a public building at Greeneville, Greene County, Tenn.;

S. 5174. An act authorizing the construction of a bridge across Rock River, in the State of Illinois;

S. 5364. An act to establish a light and fog station at Point Dume, Los Angeles County, Cal.;

S. 5376. An act to provide for the purchase of a site and the erection of a public building thereon at Batesville, in the State of Arkansas;

S. 5573. An act to amend section 203 of title 3 of the act entitled "An act making further provisions for a civil government for Alaska," and for other purposes;

S. 5688. An act to provide for the purchase of a site and the erection of a public building thereon at Hammond, in the State of Indiana; and

S. 5698. An act to extend the time for the completion of a bridge across the Missouri River.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the joint resolution (S. R. 142) to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1901.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5717) to authorize the construction and to maintain a dam and wagon bridge across Twelve-mile Bayou, in the parish of Caddo, in the State of Louisiana.

The message also announced that the Senate had agreed to the report of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 1929. An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes; and

S. 2329. An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

CUBAN CLAIMS COMMISSION.

Mr. HAUGEN. Will the gentleman from Alabama consume some of his time?

Mr. UNDERWOOD. I would say to the gentleman from Iowa there does not seem to be anybody on this side who desires to speak. I would like to have the substitute read, and will say a few words myself. I ask that the substitute be read in my time, Mr. Speaker.

The substitute was again read.

Mr. UNDERWOOD. Now, Mr. Speaker, the other day we had a claim for the Cramps, and it was argued in the House as just, and it was passed by this House, to send that claim to the Court of Claims for trial and adjudication. I do not believe with that great claim pending here, with the able attorneys that represent that claim and the able men on the floor of this House believe for a moment they would not receive justice and should not have a trial in a fair court, advocating the sending of that claim to the Court of Claims, that they could believe what is contended here to-day—that it is impossible to get justice in that court within a reasonable time.

I know the docket of the Court of Claims is crowded; I know there is a large number of cases carried there; but it is like in the old circuit court, where the judges are lenient to the parties where they do not try their cases and where he does not make an order dismissing for want of prosecution to clear up his docket. There are hundreds and thousands of claims referred to the Court of Claims, and if they have failed there or are about to fail it is because of want of proof of loyalty or something else, and the lit-

gants themselves keep putting it off, hoping that Congress may change the fundamental law by which they are to introduce evidence in this matter, changing the law in reference to loyalty or something else, and these claims have been allowed to hang and hang on that docket. But I do not think it can be contended by anyone that knows the facts—it certainly is not true so far as the information I have at hand—that a live, legitimate claim that is to be tried, like the claim we referred to the Court of Claims the other day, where the attorneys are active and take the testimony in a reasonable time and are anxious for a trial of the case and for an adjudication, would ever fail to get his case to trial within eighteen months or two years.

Well, now, that is not an unusual delay in a court, and there is this trained court, trained judges, trained advocates, trained attorneys, and I can not see any possible reason for wanting to change the channel and the direction to which these Spanish war claims are to go unless it is the desire of the attorneys who hold these \$29,000,000 worth of claims now against the Government, now on file, who are standing here in the lobbies advocating the passage of this bill, to get some change in the evidence, some change in the manner and way of trying these cases, in order that they may succeed with their verdict, when they would not succeed if they had to go before the Court of Claims and had to try them in the legitimate and old way.

Mr. RAY of New York. Has the gentleman given any particular thought to the idea that if these matters are referred to the Court of Claims, with hundreds of claims and millions of dollars involved, all of them involving questions of law, all other persons having claims against the United States to go into the Court of Claims will have to be held up until these claims are disposed of, or else these claims will drag along year after year and year after year, increasing as they grow older?

Mr. UNDERWOOD. Of these \$29,000,000 of claims now—and they say there will be fifty millions—some of them are very large and it does not involve such an enormous number of claimants. There may be a number of small ones.

Mr. RAY of New York. There are hundreds now.

Mr. UNDERWOOD. I suppose all involved there may be 1,000 or 1,500.

Mr. HAUGEN. There are 320 on file at the State Department, aggregating \$28,000,000.

Mr. UNDERWOOD. Well, that is less than I supposed. I supposed there were 1,000. It now seems that there are \$28,000,000 with 320 actual cases. Why, there is not a year goes by but that Congress does not send in the neighborhood of that number of claims down to the Court of Claims to be tried.

Mr. HAUGEN. The gentleman is aware that there are other claims held by attorneys.

Mr. UNDERWOOD. Yes, but I have a statement from this firm in which they say that the aggregate number of claims will not exceed \$50,000,000, and they are the agents representing the largest number, and are supposed to know what they are talking about. According to the gentleman's own statement here are \$28,000,000 of the fifty million, represented by 320 actual cases—a less number of cases than this Congress refers to the Court of Claims every year itself. Why, under these circumstances, should you create this new commission at an enormous expense to the Government, creating new rules of evidence—

Mr. RAY of New York. That provision ought to be out.

Mr. UNDERWOOD. Certainly; but it is in. There it is in the bill and it is being called up.

Mr. RAY of New York. I will not vote for the bill unless it is stricken out.

Mr. UNDERWOOD. I know that the lobby that is trying to have these claims sent to a commission instead of the Court of Claims is trying to get the members of this House to vote for a provision in the bill that does change the rules of evidence, and that is the reason why they favor this bill, and they state this bill is not what they want unless section 8, changing the rules of evidence, is left in it. Another thing: They want to bring claims before this commission which under our rule, the rule we have adopted for our own citizens, would not be allowed. They want to be paid for the destruction of property by the Army. A large amount of these claims have that question involved, the destruction of property by the Army, and that is why they want the commission created. You know and I know that as to the citizens of this country we never have allowed a single dollar to be paid to them by reason of destruction of property in the civil war.

Why, my friend, the chairman of the War Claims Committee, since I have been in Congress, has not failed to come here every session and ask that some of his constituents be paid for the destruction of property in the civil war, and, I believe, destroyed by the Union Army. This House has always refused to pass that claim, and voted it down because, it said, that whenever you crossed the line and paid for destroyed property, not property taken and used by the Army, but destroyed property, you opened the flood gate, and no man could tell when the flood would cease.

And yet to-day these gentlemen who represent the Spanish claims know that when they go to the Court of Claims they have got to be met by the same rules of evidence, the same rights of property, that your constituents and my constituents have to stand on in the maintenance of their rights before the Government, and they are unwilling to do it.

They want new rules adopted, so that they may be paid for the millions of dollars worth of property destroyed by the insurgents or the Spanish army—rights we never recognized for our own citizens. I say it ought not to be done. In justice to the people, in justice to the Government, we ought to send these claims to the Court of Claims, and then, if we find they are unable to handle and dispose of them, let us give relief there and not create this commission, giving them rights they do not have under the law to-day.

Mr. GAINES. In dealing with these war claims, have we ever made any exceptions by paying for the destruction of churches or schoolhouses?

Mr. UNDERWOOD. I do not think we ever have. The only cases, so far as I know, where the destruction of churches or the destruction of printing establishments has been paid for were where the evidence tended to show (whether such was the fact or not) that the property was used by the Army, and was thereby despoiled or destroyed—not cases of mere destruction.

Mr. GAINES. Then a distinction has been made between cases where property has been destroyed outright and where it has been simply used and not destroyed?

Mr. UNDERWOOD. Certainly; that distinction has always been drawn.

Mr. GAINES. What is the difference between the two cases except in degree?

Mr. UNDERWOOD. There is a very great difference. In one class of cases the Government has received the benefit of the property; in the other it has not, but the property has been destroyed as a mere act of war.

Mr. Speaker. I reserve the balance of my time.

Mr. HAUGEN. I yield to the gentleman from Ohio [Mr. GROSVENOR] five minutes.

Mr. GROSVENOR. Mr. Speaker, the treaty of Paris prescribes exactly what these claims shall be; therefore the entire speech of the gentleman from Alabama [Mr. UNDERWOOD] has nothing to do with the case. I had greatly hoped that during the interval of a week he would have gotten rid of his mistaken ideas on this subject. Here is the provision of the treaty itself:

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind of either Government or its citizens or subjects against the other Government that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war. The United States will adjudicate and settle claims of its citizens against Spain.

That is all there is of it.

Now, something has been said about "lobbyists." I will tell the gentleman from Alabama that the only lobbying I have heard anything about in this case is the twice-repeated appeal of the President of the United States to Congress, sent in the legal and constitutional way, asking us to constitute a commission to carry into effect the solemn pledges of this Government to pay these claims.

Mr. UNDERWOOD. I will say to my friend—

Mr. GROSVENOR. The gentleman may be beset by lobbyists; I am not. I have never heard any one of them; I do not know one of them; I do not know the name of any man who has a single claim under this provision of the treaty of Paris.

Mr. UNDERWOOD. I do not allege that my friend from Ohio is being "beset by lobbyists," but I do say it is a fact that they have gone so far as to write me letters—

Mr. GROSVENOR. Well, the gentleman has not been disturbed very much by them. Somehow or other there is a terrible fear that some dreadful influence of "lobbyists" is always being brought to bear here.

Mr. UNDERWOOD. Mr. Speaker—

Mr. GROSVENOR. If the gentleman wants to finish his speech, I will try to get time after he is through.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] has the floor.

Mr. GROSVENOR. The gentleman stated what these lobbyists were producing on this side of the House; and I say to him that the only appeal I have ever heard on this subject is the appeal of the President of the United States respectfully asking Congress to do what we stipulated to do in the treaty of Paris.

Now, the gentleman talks about the Court of Claims. I do not wish to say anything disrespectful or unkind of the Court of Claims. I never appeared in but one case pending in the Court of Claims, and that case is over twelve years old. The counsel on my side has, year after year, importuned that court to try that case, a very simple one, until the claimant is dead and nearly all the witnesses are dead, and I do not know how many judges of

the Court of Claims have died. I can give the gentleman the name of the case; I can show him how we have been baffled year after year in the taking of testimony; and I can show him we are just where we were something like twelve years ago.

Now, the proposition that I support is this: Strike out the eighth section of this bill because it is a limitation. I am opposed to attempting to legislate rules of evidence. When you undertake to legislate about the rules of evidence, you generally find that when you think you are expanding you are contracting, and when you think you are contracting you are expanding.

That section being struck out, the bill would then provide for the appointment of a commission of three men with their terms limited to two years, the President being authorized to make only a very short extension of that term. These men will devote their entire time to one class of claims. I think the gentleman from Alabama will admit that a court thus constituted, of able men, will be better calculated to arrive at and carry into execution a consecutive and consistent line of decisions than a court filled with all sorts of claims of every character, litigations coming in and litigations going out year by year. With the authority that this commission would have there would be established a rule of evidence upon which these claims must rest. And at the end of two years we ought very easily to be rid of the whole thing, and thus avoid foisting upon a future generation the condition of affairs that we have in regard to these Southern war claims.

A MEMBER. And the gentleman might include the French spoliation claims.

Mr. GROSVENOR. Certainly; the French spoliation claims are of the same character also. These claims originated more than one hundred years ago; and in every recurring Congress since I have been a member of this body they have been before this House in one shape or another. On one occasion we paid about one and a quarter millions of dollars of them, I think, as I now recollect. But they are still before us all the time.

The SPEAKER. The time of the gentleman has expired.

Mr. HAUGEN. I yield five minutes more to the gentleman from Ohio.

Mr. HOPKINS. Now, Mr. Speaker, inasmuch as additional time has been yielded to the gentleman, I would like to ask him a question, with his consent, to see if I understand him clearly on a particular point in his argument. The commission does not make a finality of the claims, but they must come to Congress finally, do they not?

Mr. GROSVENOR. I do not remember the exact terms of the bill—

Mr. HOPKINS. That is just the point I wish to get at.

Mr. RAY of New York. This makes the decision of the court final. It provides, however, for an appeal to the court of appeals of the District of Columbia. This will be found on page 8, which I will read:

The decisions and judgments of said court of appeals, in all cases appealed to said court, shall be final and conclusive.

This makes the judgment of the court a finality.

Mr. HOPKINS. But must the claimant come back to Congress to secure an appropriation for the payment of the claim after it has been adjudicated, or can it be paid by the Treasury Department?

Mr. GROSVENOR. I think, Mr. Speaker, that, like any other appropriation of money from the public Treasury, it must be provided for by an appropriation of Congress.

So, I repeat, you have all of the safeguards you can possibly require in connection with the matter. First, you have the findings and the judgment of a court; and, second, you have the act of Congress making an appropriation in pursuance of that judgment.

Now, here is an opportunity, for the first time since I have been a member of this House, to take up such claims in a businesslike way and provide for them in a businesslike manner; and while we are doing that we are not dealing with doubtful or obscure questions of law.

Gentlemen have talked of a "trained court" passing upon these matters. Why, the officers who have to deal with questions presented to this commission must be presumed to be at least men of ordinary intelligence. There are only one or two questions they must decide. The question is, Was the claimant a citizen of the United States, and did the Government of Spain, through its agents, after the war began, despoil him of any property which he possessed? It is a simple question. It involves no technical construction of doubtful law. It is a plain, common-sense proposition that can be settled immediately by men of ordinary intelligence. There is no complication about it. There is nothing about it to require the opinion and the action and the consultation of a court consisting of five or six judges learned in the law.

That this commission should be composed of lawyers, I have no doubt. There ought to be at least one or two on the commission, if not more. If I were organizing such a commission, I would take one man who has served in the military establishment of the

United States and who knew what was going on, and then add one or two common-sense, businesslike lawyers; and a tribunal formed of men of that character would very soon reach a decision upon these points.

So I repeat, Mr. Speaker, that the questions that this commission must deal with are not complex. There is no question of loyalty. There is no question of the loyalty of the claimant that has to be considered, as was the case by the Southern Claims Commission. The commission will not have to deal with many other vexed questions which hung over that court and which it had to take into consideration in determining the validity of Southern war claims. This commission will simply have to ascertain one or two facts: First, whether the party was a citizen of the United States, and whether he had property in Cuba which was destroyed or damaged or taken possession of by the Spanish troops, and how much was so destroyed or taken possession of.

Mr. HOPKINS. I would like to ask the gentleman from Ohio, Suppose this matter is adjudicated by this court to which he refers, would not the question be open precisely as the claim of a person who appeared before the Southern Claims Commission for adjudication; and would such a judgment have any more force or effect than a judgment rendered by the Southern Claims Commission? Would not the party have to come to Congress finally for an appropriation after all else had been done?

Mr. GROSVENOR. I would like to ask the gentleman if, in his judgment, there is any provision of law which can be enacted or should be enacted which can avoid that? As I understand it, it amounts to a proposition that we must authorize the payment of a judgment rendered by a court of claims, without question as to the validity of the judgment or the facts upon which it is based.

Mr. HOPKINS. That is precisely the point I want to get at; I wish to find out whether it is understood that this judgment of the tribunal proposed to be created here is to be final, or if, after all, its finality must depend upon an act of Congress?

Mr. PAYNE. It would necessarily have to be so, unless Congress made indefinite appropriations to pay such findings.

Mr. GROSVENOR. Mr. Speaker, I stand by the proposition that money once in the Treasury of the United States should not be taken therefrom except by specific appropriation.

Mr. HOPKINS. But is this tribunal to be in the same form as the Southern Claims Commission?

Mr. GROSVENOR. I do not know. But I will say to the House that if the Southern Claims Commission had been kept up and a statute of limitations passed by Congress, we would be in a better position to-day than we have been for years past, when we have been passing these claims through the Court of Claims, a process which has muddled and clouded the whole matter.

Mr. HOPKINS. But their reports have been discredited again and again—

Mr. GROSVENOR (continuing). And there are reasons why that condition should not apply in this case.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, will the gentleman from Iowa [Mr. HAUGEN] yield to me for a moment to report the Army appropriation bill, in order that it may be printed?

Mr. HAUGEN. Certainly.

Mr. HULL, from the Committee on Military Affairs, reported the bill (H. R. 14017) making appropriations for the support of the Army for the fiscal year ending June 30, 1902; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOPKINS. I reserve all points of order against the bill.

The SPEAKER pro tempore (Mr. SHATTUCK). The gentleman from Illinois reserves all points of order.

CUBAN CLAIMS COMMISSION.

Mr. HAUGEN. Mr. Speaker, does the gentleman from Alabama [Mr. UNDERWOOD] wish to consume any more time?

Mr. UNDERWOOD. Has the gentleman completed the discussion on his side?

Mr. HAUGEN. I shall conclude in a minute or so.

Mr. UNDERWOOD. Then I have no objection to your moving the previous question when you get through.

Mr. HAUGEN. Mr. Speaker, this matter has been thoroughly discussed, and I do not care to occupy the time of this House any further in discussing the bill. I might call attention to the fact that the bill provides that all claims must be filed within six months after the first meeting of said commission, and every claim which is not so filed shall be forever barred. Section 11 provides that awards in favor of the claimant shall be for the amount of actual and direct damages, and that remote and prospective damages shall not be awarded, nor shall interest be allowed.

Now, as to section 14, it provides that the commission shall file with the Secretary of State a copy of the awards, and the sums

adjudged due shall be paid out of any appropriations made or to be made by Congress for the payment and satisfaction of such awards.

It seems to me, Mr. Speaker, that we have placed every safeguard possible to protect the Government. In view of the fact that some opposition has been made to section 8, I will move to strike out that section. First, I desire to make a parliamentary inquiry. As I understand, we have passed the stage of procedure where the committee amendment was disposed of.

Mr. HOPKINS. No; that is not disposed of.

Mr. HAUGEN. Was that action vacated?

The SPEAKER pro tempore. The amendment of the committee in the nature of a substitute is in order.

Mr. HAUGEN. The first in order, then, is the vote on the committee amendment conferring jurisdiction upon the Court of Claims to revise, examine, and adjudicate these claims.

The SPEAKER pro tempore. A motion to perfect the original text is first in order. That takes precedence of the amendment.

Mr. HAUGEN. I give notice that if the amendment is voted down I shall move to strike out section 8 from the Senate bill. Mr. Speaker, I hope that this amendment will be voted down. It was voted on the other day, and voted down by a decisive vote of 80 to 23. It seems to me, Mr. Speaker, that it is impracticable and unwise to refer these claims to the Court of Claims.

The SPEAKER pro tempore. The proper time to make that motion is to make it now.

Mr. RAY of New York. How can it be in order at this time to move to strike out section 8 from the Senate bill when the question pending is upon the substitute reported by the committee?

Mr. HOPKINS. You have to perfect the bill first.

The SPEAKER pro tempore. It is always in order to perfect the original text before voting on a substitute.

Mr. RAY of New York. Very well.

Mr. HAUGEN. Then I move to strike out section 8 of the original bill.

The SPEAKER pro tempore. The gentleman from Iowa moves an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 8 of the original bill, as follows:

"SEC. 8. That all reports, affidavits, records, proceedings, and other documents now on file or of record in the Department of State, or in any other Department, or certified copies thereof, relating to any claims prosecuted before the said commission under this act shall be furnished to the commission upon its order, made of its own motion or at the request of the claimant or of the attorney representing the United States before said commission, and shall be given such weight as evidence as the said commission shall think just; but the commission is authorized to require other evidence, and the claimants and the United States are authorized to introduce other evidence in support of or in opposition to any claim."

Mr. HAUGEN. Mr. Speaker, I demand the previous question on the bill and amendments to the passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Iowa to strike out section 8. The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the substitute proposed by the committee.

Mr. HAUGEN. I hope the substitute will be voted down, Mr. Speaker.

The question being taken; on a division (demanded by Mr. GROSVENOR) there were—ayes 53, noes 45.

Mr. HAUGEN demanded tellers.

Tellers were ordered.

Mr. CANNON. Mr. Speaker, before the tellers take their places, the gentleman yields to me to allow me to report the sundry civil appropriation bill.

Mr. HAUGEN. I yield to the gentleman.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. RICHARDSON of Tennessee. I reserve all points of order upon the bill, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

CUBAN CLAIMS COMMISSION.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] and the gentleman from Alabama [Mr. UNDERWOOD] will take their places as tellers.

Mr. HAUGEN. There has been so much confusion here, will the Chair state the question?

The SPEAKER. The question is on agreeing to the substitute, by way of an amendment, reported by the gentleman from Iowa from the committee.

Mr. HAUGEN. Referring this matter to the Court of Claims.

The SPEAKER. That depends upon what the amendment provides for. The gentleman from Iowa and the gentleman from Alabama will take their places as tellers.

The House divided; and the affirmative vote was reported as 67, with 2 additional.

The SPEAKER. The Chair must ask gentlemen to suspend. The Clerk advises the Chair that the tellers have not reported the complete negative vote.

The negative vote was reported as 69.

The SPEAKER. The Chair will order this vote taken again.

Mr. UNDERWOOD. Mr. Speaker, the vote is so close, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will again state the question, as some confusion seems to exist in regard to it. The committee reported back an amendment by way of a substitute for this bill, which is a Senate bill, and the motion now is upon agreeing to the amendment by way of a substitute. Those in favor of agreeing to the amendment will, as their names are called, vote "yea;" those opposed, "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 123, nays 89, answered "present" 9, not voting 133; as follows:

YEAS—123.

Adamson,	Fox,	McDermott,	Shackleford,
Allen, Ky.	Gaines,	McRae,	Shafroth,
Atwater,	Gayle,	Maddox,	Sims,
Ball,	Gilbert,	May,	Slayden,
Barber,	Graff,	Mondell,	Small,
Barney,	Green, Pa.	Moody, Mass.	Smith, Ky.
Bell,	Griffith,	Moore,	Smith, H. C.
Benton,	Griggs,	Noonan,	Smith, Wm. Alden
Brantley,	Hay,	Norton, Ohio	Snodgrass,
Breazeale,	Heatwole,	Norton, S. C.	Southard,
Brewer,	Henry, Miss.	Otey,	Stallings,
Brundidge,	Henry, Tex.	Pierce, Tenn.	Stark,
Burleson,	Hitt,	Ransdell,	Stephens, Tex.
Caldwell,	Hopkins,	Reeves,	Sutherland,
Cannon,	Jett,	Rhea, Ky.	Talbert,
Carmack,	Johnston,	Rhea, Va.	Tate,
Clayton, Ala.	Jones, Va.	Richardson, Ala.	Taylor, Ala.
Clayton, N. Y.	King,	Richardson, Tenn.	Terry,
Cochran, Mo.	Kleberg,	Ridgely,	Thayer,
Cooper, Tex.	Kluttz,	Riordan,	Thomas, N. C.
Cowherd,	Lacey,	Rixey,	Thropp,
Crowley,	Lamb,	Robb,	Tongue,
De Armond,	Lentz,	Robertson, La.	Underwood,
De Graffenreid,	Lester,	Robinson, Ind.	Vandiver,
Dinsmore,	Lewis,	Robinson, Nebr.	Warner,
Dougherty,	Little,	Rucker,	Wheeler,
Eddy,	Livingston,	Ruppert,	Williams, J. R.
Elliott,	Lloyd,	Ryan, N. Y.	Williams, W. E.
Esch,	Loud,	Ryan, Pa.	Wilson, Idaho
Finley,	McClellan,	Salmon,	Wilson, N. Y.
Fitzgerald, N. Y.	McCulloch,		

NAYS—89.

Aldrich,	Crumpacker,	Joy,	Scudder,
Alexander,	Curtis,	Kahn,	Shattuc,
Allen, Miss.	Davenport, S. A.	Kerr, Md.	Sheppard,
Babcock,	Davidson,	Knox,	Showalter,
Bailey, Kans.	Davis,	Landis,	Sibley,
Barham,	Driscoll,	Lane,	Spalding,
Bartholdt,	Emerson,	Linney,	Sparkman,
Bellamy,	Gardner, Mich.	Littlefield,	Steele,
Bishop,	Gardner, N. J.	Long,	Stewart, N. J.
Boutell, Ill.	Gibson,	McCleary,	Stewart, N. Y.
Brick,	Gill,	Mahon,	Stewart, Wis.
Bromwell,	Gillet, N. Y.	Mann,	Thomas, Iowa.
Brosius,	Greene, Mass.	Mercer,	Tompkins,
Brown,	Grosvenor,	Metcalfe,	Van Voorhis,
Bull,	Grow,	Morris,	Weaver,
Burke, S. Dak.	Hamilton,	Needham,	Weeks,
Burkett,	Haugen,	Olmsted,	Weymouth,
Burton,	Henry, Conn.	Payne,	White,
Butler,	Hoffecker,	Pearson,	Woods,
Cochrane, N. Y.	Howell,	Powers,	Young,
Conner,	Hull,	Ray, N. Y.	
Corliss,	Jack,	Roberts,	
Cromer,	Jones, Wash.	Russell,	

ANSWERED "PRESENT"—9.

Bailey, Tex.	Jenkins,	Meyer, La.	Packer, Pa.
Burke, Tex.	Lanham,	Miers, Ind.	Wright.
Driggs,			

NOT VOTING—133.

Acheson,	Catchings,	Faris,	Hemenway,
Adams,	Chanler,	Fitzgerald, Mass.	Hepburn,
Allen, Me.	Clark,	Fitzpatrick,	Hill,
Baker,	Connell,	Fleming,	Howard,
Bankhead,	Cooney,	Fletcher,	Kerr, Ohio
Bartlett,	Cooper, Wis.	Fordney,	Ketcham,
Berry,	Cousins,	Foss,	Kitchin,
Bingham,	Cox,	Foster,	Lassiter,
Boreing,	Crump,	Fowler,	Latimer,
Boutelle, Me.	Cummings,	Freer,	Lawrence,
Bowersock,	Cusack,	Gamble,	Levy,
Bradley,	Cushman,	Gaston,	Littauer,
Brenner,	Dahle,	Gillett, Mass.	Lorimer,
Broussard,	Dalzell,	Glynn,	Loudenslager,
Brownlow,	Davenport, S. W.	Gordon,	Lovering,
Burleigh,	Davey,	Graham,	Lybrand,
Burnett,	Dayton,	Grout,	McAleer,
Calderhead,	Denny,	Hall,	McCall,
Campbell,	Dick,	Hawley,	McDowell,
Capron,	Dovener,	Hedge,	McLain,

Marsh,	Otjen,	Smith, Ill.	Underhill,
Meekison,	Overstreet,	Smith, Iowa	Vreeland,
Mesick,	Parker, N. J.	Smith, Samuel W.	Wachter,
Miller,	Pearce, Mo.	Sperry,	Wadsworth,
Minor,	Pearro,	Spight,	Wanger,
Moody, Oreg.	Phillips,	Sprague,	Waters,
Morgan,	Polk,	Stevens, Minn.	Watson,
Morrell,	Prince,	Sullivan,	Williams, Miss.
Mudd,	Quarles,	Sulzer,	Wilson, S. C.
Muller,	Reeder,	Swanson,	Zenor,
Napfen,	Rodenberg,	Tawney,	Ziegler.
Neville,	Shaw,	Taylor, Ohio	
Newlands,	Shelden,	Turner,	
O'Grady,	Sherman,		

So the substitute was agreed to.

The following pairs were announced:

Until further notice:

Mr. MORRELL with Mr. SPIGHT.
 Mr. FORDNEY with Mr. CAMPBELL.
 Mr. FOWLER with Mr. BARTLETT.
 Mr. MCCALL with Mr. FITZGERALD of Massachusetts.
 Mr. DAYTON with Mr. MEYER of Louisiana.
 Mr. BURLEIGH with Mr. LASSITER.
 Mr. PACKER with Mr. POLK.
 Mr. WRIGHT with Mr. HALL.
 Mr. BOUTELLE of Maine with Mr. BRADLEY.
 Mr. MESICK with Mr. CUMMINGS.
 Mr. MARSH with Mr. NEVILLE.
 Mr. DOVENER with Mr. NAPHEN.
 Mr. PHILLIPS with Mr. McDOWELL.
 Mr. KETCHAM with Mr. BURKE of Texas.

For this day:

Mr. LORIMER with Mr. CUSACK.
 Mr. KERR of Ohio with Mr. CHANLER.
 Mr. ACHESON with Mr. MULLER.
 Mr. SHERMAN with Mr. CLARK.
 Mr. BINGHAM with Mr. DAVEY.
 Mr. LAWRENCE with Mr. LATIMER.
 Mr. HEMENWAY with Mr. MIERS of Indiana.
 Mr. WATERS with Mr. WILLIAMS of Mississippi.
 Mr. DALZELL with Mr. LANHAM.
 Mr. WANGER with Mr. FLEMING.
 Mr. SHAW with Mr. DRIGGS.
 Mr. LOUDENSLAGER with Mr. BURNETT.
 Mr. FOSS with Mr. KITCHIN.
 Mr. CAPRON with Mr. SULZER.
 Mr. GRAHAM with Mr. QUARLES.
 Mr. HEPBURN with Mr. COONEY.
 Mr. MUDD with Mr. FOSTER.
 Mr. ALLEN of Maine with Mr. BRENNER.
 Mr. BROWNLOW with Mr. BROUSSARD.
 Mr. SAMUEL W. SMITH with Mr. ZENOR.
 Mr. SMITH of Iowa with Mr. WILSON of South Carolina.
 Mr. ADAMS with Mr. BERRY.
 Mr. DICK with Mr. DENNY.
 Mr. FLETCHER with Mr. GASTON.
 Mr. HEDGE with Mr. GORDON.
 Mr. HILL with Mr. HOWARD.
 Mr. LYBRAND with Mr. MCALDER.
 Mr. COUSINS with Mr. MCALIN.
 Mr. TAWNEY with Mr. SWANSON.
 Mr. VREELAND with Mr. GLYNN.
 Mr. LITTAUER with Mr. COX.
 Mr. WACHTER with Mr. LEVY.
 Mr. SHELLEN with Mr. MEEKISON.
 Mr. FARIS with Mr. TURNER.
 Mr. OVERSTREET with Mr. UNDERHILL.
 Mr. REEDER with Mr. FITZPATRICK.
 Mr. CUSHMAN with Mr. NOONAN.
 Mr. GILLET of Massachusetts with Mr. ZIEGLER.

On this vote:

Mr. JENKINS with Mr. STOKES.
 Mr. LOVERING with Mr. CATCHINGS.
 Mr. BAKER with Mr. STANLEY W. DAVENPORT.

Mr. METCALF. Mr. Speaker, I have a general pair with the gentleman from Kentucky, Mr. WHEELER. I answered "present" on the roll call, but I find he is here, and I wish to have my vote recorded.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. METCALF's name, and he voted "no," as above recorded.

Mr. MONDELL. Mr. Speaker, I would like to ask if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. MONDELL. I was present, but did not hear my name called.

The SPEAKER. Was the gentleman present and listening to his name when it should have been called?

Mr. MONDELL. Yes.

The SPEAKER. And the gentleman failed to hear it?

Mr. MONDELL. Yes.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. MONDELL, and he voted "yea," as above recorded.

Mr. MIERS of Indiana. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. HEMENWAY. We were paired on political questions only. I concluded that this was not a political question and voted, but thinking I may be in error I will withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

Mr. MIERS's name was called, and he voted "present," as above recorded.

The result of the vote was then announced, as above recorded.

The SPEAKER. The question now is on the third reading of the Senate bill.

The question was taken; and the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the last vote was laid on the table.

PAY OF REPRESENTATIVE RICHARDSON OF ALABAMA.

Mr. RAY of New York. Mr. Speaker, on the 8th of January it was referred to the Committee on the Judiciary to report the facts and the law in regard to the compensation of the Hon. WILLIAM RICHARDSON, a Representative from the Eighth district of Alabama. I now present the report of the committee and ask leave to file therewith the views of the minority.

The SPEAKER. The gentleman from New York, pursuant to the instruction of the House, reports the opinion of the Judiciary Committee on the subject of the pay of Mr. RICHARDSON of Alabama, and asks unanimous consent that time may be given—

Mr. RAY of New York. No; for leave to file the views of the minority.

The SPEAKER. They have the right to do that. This will be printed and referred to the Union Calendar.

EXTENSION OF CHARTERS OF NATIONAL BANKS.

Mr. BROSIUS. Mr. Speaker, I move to suspend the rules and consider the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and to pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12333) to provide for the extension of the charters of national banks.

Be it enacted, etc., That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the act of July 12, 1882, to extend for a further period of twenty years the charter of any national banking association extended under said act which shall desire to continue its existence after the expiration of its charter.

The SPEAKER. Is a second demanded?

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker.

Mr. BROSIUS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BROSIUS. Mr. Speaker, the bill is so brief and simple in its terms that scarcely anything can be said about it. The purpose of the bill is to enable the charters of the national banks to be renewed after the lapse of the second period of twenty years. The act of July, 1882, provides for the extension of the charters of national banks. It does not provide for a second extension after the lapse of a second term of twenty years. It therefore becomes necessary to provide, in order to continue the national banks in existence—to provide for the extension of the act of 1882, authorizing the Comptroller to grant a second extension of the charter of the existing banks. I can not see that any further statement is necessary, unless some one desires to ask some questions. I reserve the balance of my time.

The SPEAKER. The gentleman from Pennsylvania reserves the balance of his time, and the Chair recognizes the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I do not know that I want to occupy any time, Mr. Speaker, and I think there is no gentleman on this side who does.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the bill was passed.

CROW INDIAN RESERVATION IN MONTANA.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3173) to ratify an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect, with an amendment.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill, with amendments reported by the committee, which the Clerk will report.

The Clerk read as follows:

An act to ratify an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for and on behalf of the United States, did, on the 14th day of August, A. D. 1899, make and conclude an agreement with the Indians of the Crow Reservation, in Montana, which said agreement is in words and figures as follows:

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed as commissioners on behalf of the United States by the Secretary of the Interior under and by virtue of an act of Congress approved June 10, 1896 (29 U. S. Stat. L., p. 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," and by said act being authorized to negotiate with the Crow Indians, in the State of Montana, for the cession of a portion of their reservation; and

Whereas the Indians residing on and having rights upon the said Crow Indian Reservation, in the State of Montana, are willing to dispose of a portion of their surplus lands:

Now, therefore, this agreement, made and entered into by and between the aforesaid commissioners on behalf of the United States of America and the headmen and a majority of the male adults residing upon and having rights on the Crow Indian Reservation, in the State of Montana, witnesseth:

ARTICLE I. That the said Indians of the Crow Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have to the lands embraced within and bounded by the following-described lines: Beginning at the northeast corner of the said Crow Indian Reservation, thence running due south to a point lying due east of the northeast corner of the Fort Custer Military Reservation; thence running due west to the northwest corner of said Fort Custer Military Reservation; thence due south to the southwest corner of said Fort Custer Military Reservation; thence due west to the intersection of the line between sections 10 and 11, township 2 south, range 28 east of the principal meridian of Montana; thence due north to the intersection of the Montana base line; thence due west to the intersection of the western boundary of the Crow Indian Reservation; thence in a northeasterly direction, following the present boundary of said reservation, to point of beginning.

ARTICLE II. That in consideration of the land ceded, granted, and relinquished as aforesaid the United States stipulates and agrees to pay to and expend for the Indians of the said reservation \$1,150,000, in the following manner, to wit:

Ninety thousand dollars, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of the Interior in the extension and completion, including the necessary laterals, of the system of irrigation now being constructed on said reservation.

Ten thousand dollars shall be expended under the direction of the Secretary of the Interior in the building, extension, or completion of individual Indian ditches: *Provided*, That none of the above sum shall be expended without the knowledge and consent of the Indian agent.

One hundred thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow Indians as a trust fund, the same to remain in the Treasury for fifteen years, and shall draw interest at the rate of 4 per cent per annum, said interest to be expended by the Secretary of the Interior in maintaining and managing said irrigation system: *Provided further*, That at the expiration of the fifteen years above mentioned such disposition shall be made of said fund as the Indians, with the consent of the Secretary of the Interior, may determine.

Two hundred and forty thousand dollars shall be expended under the direction of the Secretary of the Interior in the purchase of 2-year-old Southern heifers, the same to be placed upon the Crow Indian Reservation and added to the present herd now owned in common by the Crow tribe of Indians: *Provided further*, That during the year 1901 all cattle owned at that time in common by the Crow tribe of Indians shall be divided equally between said Indians, share and share alike to every man, woman, and child having rights upon the Crow Reservation.

Fifteen thousand dollars shall be spent in the purchase of 2-year-old jackasses, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

Forty thousand dollars shall be expended under the direction of the Secretary of the Interior in the purchase of 2-year-old ewes, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

Forty thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in fencing the Crow Reservation, said fence to be built of six strands of galvanized barbed cattle wire, with either cedar posts not less than 4 inches in diameter at the small end, or iron posts set 16 feet apart with three metallic stays between each two posts; said fence to be well built and properly braced and anchored.

Twenty-five thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection, purchase, and repair of such school buildings as he may deem necessary.

Ten thousand dollars shall be expended by the Secretary of the Interior in the erection and furnishing of a hospital at the agency for the benefit of the Crow Indians.

Fifty thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow tribe of Indians as a trust fund, and shall bear interest at the rate of 4 per cent per annum, said interest to be used, under direction of the Secretary of the Interior, to cover necessary expenses of maintaining said hospital.

Fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of the Crow tribe of Indians, the same to be expended for their benefit from time to time by the Secretary of the Interior in such manner as he may direct.

Ten thousand dollars shall be expended under direction of the Secretary of the Interior, in addition to any sum now on hand for that purpose, in the construction of two gristmills, one on Prior Creek and one on Big Horn, said mills having been provided for in the third section of the treaty [agreement] of 1890.

Three thousand dollars, or as much thereof as may be necessary, is hereby appropriated and set apart to pay the expenses of ten Crow Indians, two interpreters, and the agent to visit Washington at such time as permission is received from the Secretary of the Interior.

The balance of the principal sum due the Crow Indians under this agreement shall be placed in the Treasury of the United States to their credit as a trust fund, and shall bear interest at the rate of 4 per cent per annum, said interest to be added annually to the principal, and an annual annuity payment of \$12 per capita shall be paid, in cash, to every man, woman, and child having rights upon the reservation, said annuity to be paid semiannually in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That \$200,000 of the last-named sum may be expended in the further purchase of cattle or sheep, should a majority of the Indians so decide, and the same be approved by the Secretary of the Interior: *Provided further*, That when each object for which a specific appropriation

has been made in this agreement shall have been fully carried out and completed, then the balance remaining of said appropriation may be expended for the benefit of the Crow tribe or placed to their credit in such manner as the Secretary of the Interior may determine.

It is further agreed that in the construction of ditches, dams, canals, and fences that no contract shall be awarded nor employment given to other than Crow Indians, or whites intermarried with them, except that any Indian employed in construction may hire white men to work for him if he so desires: *Provided further*, That nothing herein contained shall be construed to prevent the employment of such engineers or other skilled employees, or to prevent the employment of white labor where it is impracticable for the Crows to perform the same.

None of the money due to the said Indians under this agreement shall be subject to the payment of any claims, judgments, [or] demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

ARTICLE III. All lands upon that portion of the reservation hereby granted, ceded, and relinquished which have, prior to the date of this agreement, been allotted in severalty to Indians of the Crow tribe shall be reserved for said Indians, or where any Indians have homes on such lands they shall not be removed therefrom without their consent, and those not allotted may receive allotments on the lands they now occupy. But in case any prefer to move they may select land elsewhere on that portion of said reservation not hereby ceded, granted, or relinquished, and not occupied by any other Indians, and should they decide not to move their improvements, then the same may be sold for their benefit, said sale to be approved by the Secretary of the Interior, and the cash proceeds shall be paid to the Indian or Indians whose improvements shall be so sold.

ART. IV. That for the purpose of segregating the ceded lands from the diminished reservation the new boundary lines described in Article I of this agreement shall, when necessary, be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.

ART. V. The water from streams on that portion of the reservation now sold, which is necessary for irrigating on land actually cultivated and in use, shall be reserved for the Indians now using the same so long as said Indians remain where they now live.

ART. VI. It is further agreed that a statement of all expenditures under the various provisions of this agreement shall be sent to the agent of the Crow Indians twice a year, or at such times as the Secretary of the Interior may direct, showing the amounts expended and the balance remaining on hand in each of the several funds.

ART. VII. The existing provisions of all former treaties with the Crow tribe of Indians not inconsistent with the provisions of this agreement are hereby continued in force and effect, and all provisions thereof inconsistent herewith are hereby repealed.

ART. VIII. This agreement shall take effect and be in force when signed by the commissioners and a majority of the male Indians of the Crow tribe over 18 years of age, and ratified by the Congress of the United States; and should any article in the agreement fail of confirmation by Congress, then the whole shall be null and void.

Signed on the part of the United States Government by the commissioners aforesaid, and by the following Indians of the Crow tribe having rights on the Crow Reservation in the State of Montana.

CHARLES G. HOYT, Commissioner.
JAMES H. MCNEELY, Commissioner.
BENJAMIN F. BARGE, Commissioner.
PRETTY (x mark) EAGLE.
PLENTY COOS.
TWO (x mark) LEGGINS.
(And 535 others.)

Witness:

FRED. E. MILLER.

CROW AGENCY, MONT., August 14, 1899.

I hereby certify that I was chosen by the Indians to act as interpreter during the councils held to discuss the foregoing agreement; that I truly interpreted for the commissioners and for the Indians, and that they thoroughly understand the entire matter.

CARL LEIDER, Interpreter.

Witness:

C. N. CROTSBURG.

We hereby certify that we were present at the councils held to discuss the foregoing agreement; that we understand the Crow language, and that the provisions of this agreement were correctly interpreted to the Indians, and that they understood the entire matter.

FRANK SHANE.
W. M. LEIGHTON.
GEORGE H. PEASE.

Witnesses:

H. J. SHOBE.
F. G. MATTOON.

CROW AGENCY, MONT., August 14, 1899.

CROW AGENCY, MONT., August 14, 1899.

I hereby certify that 317 Indians constitute a majority of the male adult Indians over 18 years old residing on or having rights upon the Crow Indian Reservation, in the State of Montana.

J. E. EDWARDS,
United States Indian Agent.

Therefore,

Be it enacted, etc., That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

SEC. 2. That for the purpose of carrying out the provisions of article 2 of the aforesaid agreement there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,150,000, which sum is to be set aside for the Crow Indians of Montana, or expended for their benefit as in said article provided.

SEC. 3. That for the purpose of surveying and marking so much of the boundary line of the tract ceded and relinquished by the Indians as may be necessary to segregate the same from the lands reserved by them, as provided in article 4 of said agreement, the sum of \$1,200, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. That the Commissioner of Indian Affairs shall cause allotments to be made, in manner and quantity as provided by existing law, of the lands occupied and cultivated by any Indians on the portion of the reservation by said agreement ceded and relinquished, as required by article 3 thereof; and where such Indian occupants elect to remove to the diminished reservation he shall cause a schedule to be prepared showing the names of such occupants, the descriptions of the lands, and the character of the improvements thereon. Such improvements shall then be appraised and sold under the direction of the Secretary of the Interior to the highest bidder, no sale to be for less than the appraised value, the proceeds to be paid to the respective Indian occupants, as

required by said article 3: *Provided*, That the purchaser of such improvements shall have a preference right, if otherwise entitled, of thirty days after such purchase within which to enter the lands upon which the improvements are located, not exceeding 160 acres, in compliance with the provisions herein governing the disposition of said ceded lands.

The Secretary of the Interior shall fix a reasonable time within which such Indian occupants shall elect whether they will remain on the ceded tract or remove to the diminished reservation, and where they elect to remove he shall also fix a reasonable time within which such occupants must remove their improvements, if they should choose to do so, instead of having the same appraised and sold.

SEC. 5. That before any of the lands by this agreement ceded are opened to settlement or entry, the Commissioner of Indian Affairs shall cause the allotments to be made and the schedule to be prepared, as provided for in section 4 of this act, and a duplicate of said schedule shall be filed with the Commissioner of the General Land Office. Upon the completion of such allotments and the filing of such schedule the residue of such ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, desert-land, town-site, and mining laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Montana: *Provided*, That payment shall be made at the rate of \$5 per acre for any of said lands entered under the town-site laws.

No lands in sections 16 and 36 now occupied, as set forth in article 3 of the agreement herein ratified, shall be reserved for school purposes, but the State of Montana shall be entitled to indemnity for any lands so occupied.

With the following amendment:

In line 16 on page 10 the words "after such purchase" be stricken out and the words "after the land becomes subject to entry" be inserted in lieu thereof.

The SPEAKER. Is a second demanded?

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Tennessee. I would like to ask what committee reported this bill?

Mr. LACEY. The Committee on Indian Affairs.

Mr. Speaker, this is the unanimous report of the Committee on Indian Affairs providing for the opening up of a little over 1,000,000 acres of land of the Crow Reservation, in the State of Montana. I hold in my hand a map of the reservation, the ceded portion being bordered on the south by the yellow line.

On the 10th of June, 1896, a bill was passed providing for a commission to negotiate for the cession of portions of the reservation. In pursuance of that act of Congress, passed a little over four years ago, a treaty has been made and submitted by the Commissioner of Indian Affairs to the Secretary of the Interior, and by him submitted to Congress.

The Senate passed this bill, which in this House was referred to the Committee on Indian Affairs, who investigated the matter and report it back unanimously with a favorable recommendation, except that we have made a slight modification in the verbiage of the bill, correcting a matter which seems to have been overlooked in the Senate. The amendment does not alter the sense in any material matter, and yet it seems to be necessary. I have therefore moved, by authority of the committee, to suspend the rules and pass the bill with that amendment. The amendment will be found referred to in the House report, page 9. The Acting Commissioner of Indian Affairs says:

As a considerable portion of the lands ceded are not surveyed, it occurs to this office that some confusion might arise from the giving of a preference right of thirty days after such purchase. If purchase should be made before survey it seems that the preference right might expire before the land should become subject to entry. It is therefore suggested that the words "after such purchase" be stricken out and the words "after the land becomes subject to entry" be inserted in lieu thereof.

Mr. Speaker, the proposition is to pay these Indians something over \$1,100,000, of which the \$100,000 is to be put in an irrigation trust fund, \$50,000 in a trust fund for a hospital, \$467,000 in a general trust fund in the Treasury, the balance to be paid as follows: For irrigation, \$90,000; also, for irrigation, \$10,000; for the purchase of Southern heifers, \$240,000; for the purchase of jackasses, \$15,000.

In this connection I may say, by way of explanation, that these Indians have a very large number of ponies. One of the Indians having obtained possession of a jack a few years ago, the discovery has been made that instead of raising horses or ponies worth about eight or ten dollars apiece, they can raise mules which will bring a good price and which can be shipped to the Eastern markets. Therefore, as part of what the Indians get in this exchange they want \$15,000 invested in suitable jacks for crossing with their ponies.

Forty thousand dollars is to be invested in 2-year-old ewes, \$40,000 in fencing, \$25,000 in school buildings, \$10,000 in hospital buildings, \$50,000 in a discretionary fund to be used for the general benefit of the Indians without limitation, \$10,000 for grist mills, and \$3,000 for the expense of a commission to come to Washington to look generally after the interests of the tribe in matters arising here.

This treaty has been carefully prepared and has met the approval of the Indians. It will open up about one-third of the reservation for settlement. The Northern Pacific Railroad runs up the Yellowstone River through one edge of the reservation. The Chicago, Burlington and Quincy road, running from Sheridan to connect with the Northern Pacific road, would run through the southern part of this reservation.

The land along the Yellowstone River is irrigable land. The other land is good grazing land. It is proposed that the Indians shall retain such portions of the ceded land as they may select for the purpose of allotments, out of that part which they are now occupying. The report of the commission shows that about 21,000 acres of the entire tract will be taken by the railroad or is occupied by these allotments. The balance of the land would be open to settlement under the homestead law.

Mr. Speaker, I reserve the remainder of my time.

Mr. MADDOX. When is this land to be opened and how?

Mr. LACEY. As soon as the allotments are perfected, and upon a proclamation of the President. The allotments will have to be first made.

Mr. MADDOX. Does this bill provide any way by which the land shall be opened?

Mr. LACEY. It will be opened like other public lands.

Mr. SHAFROTH. There is a general law which covers that subject. Notice must be given by the Secretary of the Interior.

Mr. LACEY. The provision of the bill is not for the sale of the lands, but for opening them for settlement under the general land laws of the United States.

Mr. SHAFROTH. Has this bill met the approval of all the members of the committee?

Mr. LACEY. The Committee on Indian Affairs were unanimous in their report.

Mr. MONDELL rose.

Mr. LACEY. I yield to the gentleman from Wyoming [Mr. MONDELL] for a question.

Mr. MONDELL. Has the committee made any provision in the bill granting right of way over the Indian lands for irrigating ditches from the Big Horn River, intended to irrigate the ceded lands?

Mr. LACEY. No provision has been made in that behalf. The question of the irrigation of the ceded land has not been gone into in this treaty. This bill provides only for allotments and the opening up of the land. The method of irrigation will have to depend upon subsequent legislation.

Mr. MONDELL. I wish to say to the gentleman from Iowa that, inasmuch as the land which is being opened to entry and settlement under this bill must be irrigated in order to be of any value whatever, some provision should be embodied in the bill for the right of way over the Indian lands for the ditches which must necessarily be taken from the Big Horn for the irrigation of some of the ceded lands.

I ask if the gentleman would consent to an amendment of that kind and embody it in his motion?

Mr. LACEY. Mr. Speaker, irrigating ditches have been surveyed on the unceded land, as will be seen by the map, and they would not necessarily run from the Indian reservation into the ceded lands, but might start from points entirely outside. The treaty with the Indians makes no provision for anything of that kind, and we have no right, without the consent of the Indians themselves, to insert such a provision in this bill. Hence I should be compelled to object to it.

Mr. MONDELL. I now refer to the ditches which the settlers themselves will take out of the Big Horn River to irrigate some of these ceded lands. It seems to me that there could be no possible objection to a simple provision incorporated in the bill giving the right of way for ditches from the Big Horn to irrigate these ceded lands.

Mr. LACEY. That is not necessary, for the land in the ceded reservation would of course be held exclusively under the terms of the treaty. If an attempt to insert a provision such as the gentleman suggests were made and should be successful, then of course this bill would not represent the treaty.

Mr. KING. I understand this to be a cession to the Government of Indian lands?

Mr. LACEY. Yes.

Mr. KING. And is subject to entry under the general land laws of the United States?

Mr. LACEY. Yes, sir.

Mr. KING. Then the United States land laws would apply to any person who acquired a domicile on any part of this domain, and would apply, as in other cases, to the construction of canals or irrigating ditches?

Mr. LACEY. It is claimed that some of the ditches would have to be started outside of the ceded limits. I do not know myself as to the truth of this matter—

Mr. MONDELL. My information is, if the gentleman will permit me, that most of the ditches that will be taken from the Big

Horn for the irrigation of the ceded territory must be taken out of the river on the Indian lands. Now, that being true, it would seem that there ought to be no objection to a provision giving the settlers on the ceded lands the right to take their ditches out of the Big Horn on the Indian reservation, outside of the ceded lands.

Mr. LACEY. That, of course, would enlarge the treaty; and we have no power to do that. It must be received or rejected as a whole. There are two parties to the contract—the Indians and the Government of the United States—and the only thing that remains to make the treaty binding is the approval of Congress. We have no power here to change it. It must be accepted or rejected as an entirety. If amended, it must go to the Indians for further action.

Mr. SHAFROTH. Let me ask the gentleman if this contained a provision, as we pass it here, giving the right of way for ditches, whether, in his judgment, the Indians would object?

Mr. LACEY. I do not know. I only suggest that it might be possible it would defeat the whole purpose of the legislation proposed. These ditches, as suggested, would necessarily be on the uncaded portions of the land. That land is not covered in this treaty at all; and that suggestion, which comes to the committee now for the first time, would hardly justify, in my opinion, the attempt to change the agreement made on this subject. I would not feel authorized to move or to accept an amendment which would provide such a modification of the treaty—so radical a change as this would involve. My impression is, besides, that it is wholly unnecessary and that there will be no trouble about this irrigation matter.

Mr. MADDOX. How much land do we acquire and what do we pay for it?

Mr. LACEY. We pay a little over \$1,000,000—

Mr. MADDOX. How much land do we get?

Mr. LACEY. One million one hundred and thirty-seven thousand acres.

Mr. MADDOX. Then we pay something over a dollar an acre, or about that?

Mr. LACEY. Yes. There is a misprint, I think, in the report, and I am unable to say whether the price is \$1.03 or \$1.08 an acre, but about that.

Mr. MADDOX. Do we get anything back for this money?

Mr. LACEY. No; it provides for the opening of the lands to settlement and entry under the land laws.

Mr. KING. Is there a direct appropriation of money here to extinguish the Indian title?

Mr. LACEY. Yes. A large part of the money, perhaps more than one-half of it, I will state to the gentleman, goes to the Treasury for the benefit of these Indians, and does not go out of the jurisdiction of the Government. It is applied as a trust fund for the benefit of the Indians.

I reserve the remainder of my time.

Mr. RICHARDSON of Tennessee. I yield, Mr. Speaker, such time as he may desire to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I would be glad to have the attention of the House for a very few minutes.

This bill is a proposition to purchase from the Crow Indians, in round numbers 1,000,000 acres of land, for about \$1,100,000. In addition to that, it provides, with reference to this land which we buy, that wherever the Indians have allotments on that land now they shall keep them. So we pay the Indians over a dollar an acre for the land and let them keep the land where they have allotments. That, it seems to me, is not a very good trade for the white man.

There are a half a dozen other things about this bill which do not seem to me to be commendable. I trust gentlemen will take the bill and turn over to article 5, which provides that the water from streams on that portion of the reservation now sold, which is necessary for irrigating on land actually cultivated and in use, shall be reserved for the Indians now using the same so long as said Indians remain where they now live.

About fifteen years ago I was at Fort Custer. I got off at Custer station and went down the valley of the Big Horn to Fort Custer and up to the reservation. Most of the Indians were then settled, and, I apprehend, are now settled on this land where they reserved, and they were then making their irrigating ditches. Since then the Government has made irrigating ditches quite generally upon the reserved land, which is higher up on the Big Horn than that which the Government is now purchasing from them; so that these lands are of no account, substantially, for anybody for any purpose except where they can be irrigated.

The gentleman says there are only about 200,000 acres of these lands that can be irrigated of those that the Government is purchasing. A member of the Indian Committee near me says that is correct. So that we buy a million acres for eleven hundred thousand dollars. We get 200,000 acres that can be irrigated, and the Indians that now have allotments on the land that we buy still keep them. In addition to that, all the irrigation there is on the land that we buy and all the irrigation there is on the land up the

river on the remaining part of the reservation is devoted first to the Indians, so far as the first chance at the water of the Big Horn is concerned. The land there is worth nothing. The water there is worth everything.

It may be that it is policy for the United States Government to give these Indians eleven hundred thousand dollars. If so, let us give them the eleven hundred thousand dollars and not let on that we are buying something of value from them. I am tired of Uncle Sam buying and buying land and paying three or four or a dozen times what it is worth to the Indians and then opening the land to settlement and turning around and giving it to the settlers.

We were buncoed to the extent of between thirty and forty million dollars. I say buncoed respectfully, without speaking disrespectfully of anybody; but we ran races to be nice to people in Oklahoma, to people in Idaho, to people in Dakota, and that side ran races with this side. I am not saying that elections were approaching. I am not saying that Senatorships hung swinging in the balance, or memberships of this House. I am not saying anything of that kind. But we ran races with each other to give away between thirty and forty million dollars' worth of land for which we paid three or four prices; and there was not so much sin in giving it away as there was in buying it of the poor red man, because we bought by treaties ratified a good deal as we are proposing to ratify this one, with twenty minutes' debate on a side.

What I undertake to say is that in my judgment this land that we are purchasing from the Indians is not worth \$100,000, to say nothing of eleven hundred thousand dollars, and what little it is worth the Indians reserve, namely, the water, do you not see, as this treaty provides. For one, I believe that if this treaty is ever to be ratified, it ought to be ratified after the matter has been considered in Committee of the Whole House and the whole subject is exhausted. Then let the House proceed with its eyes open. I am not for taking any more gold bricks under a suspension of the rules, with twenty minutes' debate on a side, and therefore I shall vote against the ratification of this treaty.

I yield back the time to the gentleman from Tennessee.

Mr. ROBINSON of Indiana. I should like to ask the gentleman from Illinois a question.

The SPEAKER. Does the gentleman from Illinois yield for a question?

Mr. CANNON. I do.

Mr. ROBINSON of Indiana. I want to ask whether this bill commits the Government in any degree to the policy of irrigation, either for Indians or for others?

Mr. CANNON. Well, I think it proposes to use a portion of this fund that we give to the Indians, under the guise of buying lands from them, for irrigation for the benefit of the Indians. Then it buys cattle and puts the money in trust funds, and so on, and so on. I do not think there is any committal beyond that, although, having glanced at the bill hastily, I can not say that there is no committal.

I did not know that this treaty had ever been made, did not know it had ever passed the Senate, did not know it had been reported to the House. I just happened to be in here when it came up, and it just happened that fifteen years ago I did go from Custer Station, on the Northern Pacific Railroad, down to Fort Custer, up the valley of the Big Horn, and beyond to the Crow Reservation. Now, those happenings come around, so that I happen to have my own idea, a little crude though it is, on a hop, skip, and a jump, on this matter, and my idea is that it ought not to be done under a suspension of the rules, if done at all.

I yield back the remainder of my time to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Georgia.

Mr. MADDOX. Mr. Speaker, I would like to say a few words in regard to the opening of these reservations, more especially in reference to the races on each side of the House that the gentleman has just spoken about in opening these reservations. I want to say that for one I have never joined in the race. We have opened several of these reservations since I have been in Congress with the distinct understanding that it carried a provision in the bill that the settlers on those lands that are purchased by the Government were to repay the Government for the land which they had acquired.

Now, we went on that idea and opened several. Two years ago there was a bill brought into this House that they called the free-home bill. Congress had made treaties under a false pretense; and each man who came here to have them opened came with a pledge and promise that it would cost the Government not a cent. Yet after they were all opened, this bill was brought forward making it all free; that is, giving it to all these settlers who had rushed in and taken possession of this land—a present of them, although they had taxed the people to pay for them and had agreed to pay back the money.

Now, this treaty, as I understand it, provides that we are to pay \$1,100,000, which will come to about a dollar an acre for the

land; and as the distinguished gentleman from Illinois has said that all the land that is worth anything the Indians keep, we, that is the people who pay the money for the land, get practically nothing there. So it is under this guise that we have been getting a gold brick, as he says, all the time. I remember, two years ago, when there was a race on this side in voting for the free-home bill, which a great many voted for when Oklahoma had a Democratic Delegate, on that side of the House the leaders voted against it, not only voted against it, but spoke against it.

The late Mr. Dingley and Mr. PAYNE, I am sure, and the gentleman from Illinois, perhaps, who has just spoken in opposition to this bill, opposed the free-home bill. Just a year ago they quietly sat down and allowed it to pass. I got up here then and opposed this measure, single-handed and alone, and the gentlemen who inveighed so viciously to defeat it two years ago lay down when the Republican Delegate from Oklahoma asked for it.

Mr. FLYNN. They see the error of their ways.

Mr. MADDOX. It does seem that the gentlemen are somewhat confused over the matter; but they can say they have been right once, anyway, as they have been on both sides of the question. But I agree with the gentlemen, they give us a gold brick; exactly what we are getting now—a gold brick in this treaty.

Mr. GROW. Has the gentleman from Tennessee any time?

Mr. RICHARDSON of Tennessee. How much time have I remaining?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. RICHARDSON of Tennessee. I promised to yield to the gentleman from Wyoming. I understand he wants to oppose the bill. I yield four minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I think the bill under consideration should pass. I believe it is a wise measure, but it ought not to pass until it has been amended. The committee in considering the measure seems to have overlooked one important matter, and I think it so important that the bill should not be passed unless it is amended. The bill proposes to open for settlement the lands along the Yellowstone and lying on either side of the Big Horn River, in the northern portion of the Crow Reservation. These lands are without value except as they have value for grazing purposes, until they are reclaimed by irrigation.

In order to irrigate the greater portion of the ceded lands susceptible of irrigation along the Big Horn it will be necessary to go upon the Indian reservation some miles to tap the river and conduct the water across a portion of the diminished reserve. To open these lands for settlement under the homestead and desert land laws, with no provision whereby the lands in question can be irrigated, is to give the intending settler a "gold brick."

If the bill passes as it is now before the House, only a portion of the land along the Big Horn can be irrigated, because there is no provision made for right of way for ditches, and if settlers go upon these lands they can not irrigate their lands without coming to Congress for additional legislation, and that legislation can not be effective except by treaty or understanding with the Indians; and inasmuch as this legislation must in any event go back to the Indians for their ratification, a provision should be incorporated in the bill at this time giving right of way across the diminished reserve for ditches intended to convey water to the ceded lands.

Mr. KING. I will ask my friend if the Indians get the land and get the water should the Government appropriate \$1,100,000 under this treaty?

Mr. MONDELL. I will say to the gentleman that in the ceded territory there is a considerable amount of land that may be irrigated—about 200,000 acres, I think it has been stated here—quite a quantity of which lies along the Big Horn River, in which stream there is a considerable volume of water available for irrigation; but a considerable portion of this land can only be irrigated by diverting the water from the river upon the Indian reservation at a point high enough up the stream to give the necessary fall to carry the water on the land to be irrigated.

What value would the opening of this portion of the land to settlement be unless it be possible to irrigate it? If the bill pass as it is now before the House, as I stated a moment ago, it will be necessary for the settlers to come to Congress for additional legislation, and then make an attempt to get the Indians to agree to the cession of these additional rights. We have the matter before us now. This is the time to remedy the defect.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I now yield to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, I agree in part with the remarks made by the gentleman from Georgia [Mr. MADDOX]. But the land that the Indian claims as his own has no property value unless it is cultivated. The basis of the free-homestead law that passed Congress was that the wild, uncultivated lands of the wilderness belonged to the man whose industry made it valuable to civilization by his labor. His title to ownership in such land is sealed in the sweat of his face as it moistened the soil he tilled.

What right can these Indians or Indians anywhere have to land without cultivation? Running over lands with a bow and arrow or fishing rod does not give a man a title to land uncultivated and unimproved.

I am opposed to the whole policy of the Government that treats the Indian as the owner in fee of uncultivated land. How can he have more than a possession title simply by making moccasin tracks over it, with his bow and arrow. The Indian has no more right than a white man to the soil because he tramps over it. If he has, the agents of the Hudson Bay Company are just as much entitled to the great wilderness of the Northwest. They traversed it with shotgun and fishing rod and all the implements of a hunter's life as early as the Indian or at the same time.

Why should the Government make a treaty with the Indian to buy his land, to which he has only possessory title? The old policy was to make an arrangement for him to leave his present occupancy and to find a new home. It is well enough that the Government should make such arrangement with him. He leaves his old hunting ground and finds another. All the attachments he severs are the graves of his ancestors. But immigrating people do that all over the world. The sons born in New England to-day go forth and find new homes in the West, and stop only when they reach the shores of the mighty ocean.

This Government's policy inflicts a wrong on the Treasury of the United States in treating the Indian as owning in fee land which neither he nor the white man has any just title to without they apply labor to it in cultivation.

The Government should return to the old policy practiced for fifty years, paying the Indian tribes for moving from one place to another if his land is wanted for settlement. No matter what the Government pays for his consent to move, it is better than expelling him by shot and shell. But until he acquires the exclusive right to the soil by cultivation he has no property right to sell to anybody. The earth's surface, created by the Almighty for the support of the race, becomes individual property only by the application of man's labor in its cultivation.

The SPEAKER. The time of the gentleman from Pennsylvania has expired and the time of the gentleman from Tennessee has expired.

Mr. LACEY. I now yield three minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I simply desire to protest against the statements and declarations that are made here that the general free-home bill was a bunco game and that we bought a gold brick when we passed that legislation. It seems to me that anybody who understood the situation at that time could not but approve of the legislation. In the first place, it has not cost us thirty-five or forty million dollars, as contended by the gentleman from Illinois [Mr. CANNON], nor will it ever cost us that or a one-fifth part thereof. The Government had 23,000,000 acres of land for which it had already paid the Indians to extinguish their title. That land could be taken up by the homesteader upon payment of a certain amount to the Government, and the only effect of the law was to remove the payment of that amount of money. The gentleman assumes that every acre of this land would have been paid for and would have been settled upon, whereas over half of it was mountainous and arid land and would never have been located upon.

Mr. CANNON. Will the gentleman allow me there?

Mr. SHAFROTH. Certainly.

Mr. CANNON. We now owe, under treaty with the Sioux, \$4,000,000 in that Sioux Reservation that we have got to pay for. The bunco was in making the treaty.

Mr. SHAFROTH. That may be so. There ought never to have been a treaty made in the first instance by which the United States reserved the land from homestead entry. The general policy of this Government, passed in 1862, which was fathered by the gentleman from Pennsylvania [Mr. GROW], was that all land of the Government should be open to settlement. The Government makes more money that way than by attempting the sale of lands. The old system of selling lands to the highest bidder brought an insignificant sum to the Treasury. The right of commutation given to the homesteader makes him, in three-fourths of the cases, prefer to pay for the land after living on it fourteen months, rather than be required to live on it five years and get it for nothing. And I venture the assertion that three-quarters of the lands in my State taken up under the homestead entry have been paid for by the settler after having lived fourteen months on the same, instead of waiting five years and then getting the land for nothing.

This theory that a "bunco game" has been played will not bear investigation. The Government of the United States does not own land for profit. It never should own an acre of land for profit. The only purpose for which the United States should own land is for the extension of political jurisdiction and for the purpose of raising revenue by taxation of the people and wealth which result from settlement and development.

Mr. McRAE. Without interrupting the gentleman's remarks, will he allow me a suggestion?

Mr. SHAFROTH. Certainly.

Mr. McRAE. I suggest to the gentleman that there can not be any deception about this bill, because it does not pretend to sell the land, but opens it up for entry under the homestead laws, the town-site laws, and the mineral-land laws.

Mr. SHAFROTH. I do not know the exact provisions of this bill, and I am not familiar with the exact terms on which this land is to be purchased, but that the general policy of the Government should be to extinguish Indian titles and open up land for settlement by homesteaders is, it seems to me, clear.

Mr. LACEY. I yield for a moment to the gentleman from Tennessee [Mr. GAINES] for a question.

Mr. GAINES. In whom is the title of these lands now vested?

Mr. LACEY. In the Crow Indians.

Mr. GAINES. How did they get it?

Mr. LACEY. Oh, they have had it for years.

Mr. GAINES. By treaty?

Mr. LACEY. It is the original Indian title. This, I think, is not one of the Executive-order reservations, but is an original reservation.

Mr. GAINES. What do you propose to do by this bill?

Mr. LACEY. I do not know whether my friend heard my statement.

Mr. GAINES. I did not; and hence I ask the question.

Mr. LACEY. I have only four minutes now, and I have not time to repeat the statement I have already made. It would take ten minutes for me to do so.

Mr. GAINES. Do you propose to take the property of these Indians without paying them for it?

Mr. LACEY. Not at all. It is proposed to pay them \$1.03 or \$1.08 an acre.

The gentleman from Illinois [Mr. CANNON] says that he happened to be out in that country fifteen years ago; that he happened to see the land; that he happened to come into this Hall a few moments ago and to hear the bill called up, and therefore he happens to oppose it. This bill is the fruit of an act of Congress passed in 1896 providing for this treaty. The treaty has been made. It has been satisfactory to the committees that have investigated the matter. I regret that the gentleman from Montana [Mr. CAMPBELL] is not in his seat. He is ill, and not able to appear here in person, and therefore it falls upon some member of the Indian Committee to call up this bill and explain it. I regret that that gentleman, who lives in the vicinity and who is perfectly familiar with the location, can not be heard in behalf of his own State.

Here is a tract of over 1,000,000 acres—about as large, I think, as the State of Rhode Island—which is not occupied by settlers, but will speedily be filled by homesteaders. Intending settlers have been watching this land for twenty years, anxious to have it opened; and now when the treaty has been made providing for opening this land, one gentleman says he happened to see this land fifteen years ago and thinks that this legislation ought not to be passed. He talks about the Oklahoma "gold brick." Another gentleman thinks that the proposed provisions as to irrigation outside of the land ceded by treaty have not been sufficiently guarded. This matter has been sufficiently guarded to satisfy the people interested—the Representative from the State of Montana, the Indians themselves, and the commissioners that went upon the spot and looked over the land and made this treaty.

That being the case, if there is any deficiency of authority to obtain water in this unceded territory there will be no trouble about getting a provision of that kind in the future, and there is no reason why this bill should fail now in the closing hours of this session because of an imaginary difficulty of that kind that first occurs to my friend on the floor of the House.

Mr. FLYNN. Is it not true that the national platform of every party demanded the passage of the "free-home bill" which this House passed?

Mr. LACEY. Oh, yes; both parties demanded the passage of that bill, and it has been passed. That matter is now closed.

Mr. FLYNN. Then, if there was a "gold brick," the country was "gold bricked?"

Mr. LACEY. We have come to the gold standard since then, and nobody is complaining about the Oklahoma law, except in the way of a general grievance, in order to keep in a condition of reservation other lands not yet ceded and opened for settlement.

Mr. MONDELL rose.

Mr. LACEY. I yield to the gentleman for a question.

Mr. MONDELL. The gentleman from Iowa suggests that intending settlers have been watching this tract and will move upon it in large numbers; yet there is no provision in the bill whereby intending settlers can irrigate an acre of land. Will not the opening of this reservation under this bill result in opening up a large amount of land for cattle raising by large cattle owners, and not for settlement?

Mr. LACEY. The gentleman, under the guise of asking me a

question, takes advantage of the opportunity by making a suggestion which is not in accordance with the facts and not in accordance with the treaty. The treaty does not prevent irrigation of the land. The gentleman's only objection to the treaty is that it does not provide that the head waters used for irrigation purposes shall start up high enough.

The SPEAKER. The time for debate has expired under the rule, and the question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair, two-thirds had not voted in favor of the motion.

Mr. SHERMAN. Mr. Speaker, I ask for a division upon the question.

The question was taken; and there were—ayes 34, noes 49.

So the House refused to suspend the rules and pass the bill.

HAWAIIAN SILVER COINAGE.

Mr. KNOX. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 7091, which I send to the desk.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (H. R. 7091) relating to Hawaiian silver coinage and silver certificates.

Be it enacted, etc., That the silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation applicable to the coins of the United States, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be recoined in the mints as United States coins.

SEC. 2. That when such coins have been received by either Government in sums not less than \$500, they shall be deposited as bullion in the mint at San Francisco, Cal., and shall be recoined in pieces of the same denominations as nearly as may be. And the superintendent of the said mint shall pay for such coins, at their face value, to the proper officer or agent of the Government depositing the same, the sum so deposited, in standard silver coins of the United States. The expenses of transmitting said coins to and from the Hawaiian Islands shall be borne equally by the United States and the government of Hawaii.

SEC. 3. That any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the government of Hawaii, or with any person desiring to make such exchange, for coins of the government of Hawaii, at their face value, when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any government depository for the purpose of making such exchange under such regulations as he may prescribe.

SEC. 4. That any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than \$50, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States.

SEC. 5. That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws of the republic of Hawaii, until the 1st day of January, 1903, and not afterwards.

SEC. 6. That no seigniorage, or mint dues, or charges shall be made or retained for the recoinage of the silver coins of the government of Hawaii at any mint of the United States under the provisions of this act.

SEC. 7. That any silver certificates heretofore issued by the government of the Hawaiian Islands, intended to be circulated as money, shall be redeemed by the Territorial government of Hawaii on or before the 1st day of January, 1904, and after said date it shall be unlawful to circulate the same as money.

SEC. 8. That nothing in this act contained shall bind the United States to redeem any silver certificates issued by the government of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in this act for the recoinage of Hawaiian silver.

The SPEAKER. The Chair would ask the gentleman from Massachusetts if there is any significance to be given to the amendments which seem to be written in this bill in pencil?

Mr. KNOX. None whatever, Mr. Speaker. I supposed that I sent up a clean copy of the bill to the desk. I only ask the adoption of the bill as it is printed.

Mr. SHAFROTH. Mr. Speaker, I demand a second on the motion of the gentleman from Massachusetts.

Mr. KNOX. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[Mr. KNOX addressed the House. See Appendix.]

Mr. SHAFROTH. Mr. Speaker, I do not like to object to a measure that I have not had time to fully consider. And yet it seems to me that a fundamental objection exists to the consideration of a bill reported by the Committee on Territories, which has no jurisdiction of the subject of coinage, and which should have been considered by the Committee on Coinage, Weights, and Measures. There are some things in this bill which to my mind might mean a great deal, both to the United States and to the people of the Hawaiian Islands. For instance, if the Hawaiian dollar circulates at the same value as the Mexican dollar, it would be absurd for this Government to offer to exchange American

dollars for Mexican dollars, because their value is only 50 cents, and consequently we would be contributing 50 cents to each dollar that is presented, and that, of course, would not be wise; it would not be proper; it would be expending public moneys without a return. Consequently, if that is the condition in Hawaii, I am opposed to this bill.

But I am opposed to it also for the further reason that a measure of that kind would be detrimental to the people of the Hawaiian Islands. If a debtor in the Hawaiian Islands can pay his debts now with the money the commercial value of which is only 50 cents, it would be an outrage to impose on him the obligation to pay the full value of American dollars, it would be an enormous wrong. No bill could be framed in the interest of the money lenders or the money owners of the Hawaiian Islands that would be as great a contribution to them as this measure if that condition exists. I do not know whether it exists or not. The gentleman does not seem to know the exact condition. We find that the very investigation which ought to have been made by the committee, and would have been made if this bill had been referred to the Committee on Coinage, Weights, and Measures, has not been made.

Mr. KNOX. Does not the gentleman know that this bill was before the Committee on Coinage, Weights, and Measures in the Fifty-fifth Congress?

Mr. SHAFROTH. I do not know. I was not a member of the committee at that time.

Mr. KNOX. It was considered by that committee.

Mr. SHATTUC rose.

The SPEAKER. Does the gentleman from Colorado yield to the gentleman from Ohio?

Mr. SHAFROTH. I am yielding to the gentleman from Massachusetts.

Mr. KNOX. This bill in its present form was before the Committee on Coinage, Weights, and Measures in the Fifty-fifth Congress, was reported by that committee, and passed in its present form.

Mr. SHAFROTH. That may be.

Mr. KNOX. If the Hawaiian silver dollar circulates in Hawaii to-day at its face value, how is the debtor in Hawaii to get hold of any cheap Hawaiian dollars to pay his debts with?

Mr. SHAFROTH. He can not, if that is the condition; but upon a question put directly to the gentleman himself as to what value they were circulating at, the gentleman said he did not know; and if the gentleman does not know and the committee does not know—

Mr. KNOX. I answered the question in that way, perhaps, but I did not comprehend it.

Mr. SHAFROTH. Has the gentleman any authority for saying now that the Hawaiian dollar is equal to the American dollar? I do not want to oppose the measure unless there is a substantial reason. If the dollars are circulating in Hawaii the same as in the United States, and the only difference is in the stamp of Hawaii upon it, I would have no objection.

Mr. KNOX. That is so, except the exchange.

Mr. SHAFROTH. Well, that involves a great question—

Mr. KNOX. No, it does not; it has nothing to do with the value of the Hawaiian coinage in domestic circulation. The gentleman must know that Hawaiian coinage must pay the rate of exchange.

Mr. SHAFROTH. But the gentleman does not know whether or not the Hawaiian dollar possesses the same purchasing power as our gold dollar in the markets. Now, if it does, there is no objection.

Mr. GAINES. Why do you not ask the gentleman from Hawaii [Mr. WILCOX]? He will tell you; he is sitting over yonder.

Mr. SHAFROTH. If it does not, to substitute an American dollar for dollars like a Mexican dollar would evidently be an injustice to the debtor, requiring him to pay twice the amount of his debt, and in addition it would be a great injustice to every contract that exists.

Mr. KNOX. I thought I stated to you that it did circulate for a dollar. The Secretary of the Treasury says so.

Mr. SHAFROTH. Show me a direct statement from the Secretary of the Treasury that the Hawaiian silver dollar circulates at gold value and I will not oppose your bill.

Mr. KNOX. He said so.

Mr. SHAFROTH. Where is that statement? I would like to see it.

Mr. KNOX. Oh, I have it not at hand just now.

Mr. GAINES. I ask the Delegate from Hawaii [Mr. WILCOX] that question. He is sitting over there.

Mr. SHATTUC rose.

The SPEAKER. Does the gentleman from Colorado [Mr. SHAFROTH] yield to the gentleman from Ohio [Mr. SHATTUC]?

Mr. SHAFROTH. I do.

Mr. SHATTUC. I wanted to ask the Delegate from Hawaii a question.

Mr. ROBINSON of Indiana rose.

The SPEAKER. Does the gentleman from Colorado yield to the gentleman from Indiana?

Mr. SHAFROTH. Yes, sir.

Mr. ROBINSON of Indiana. I am advised that the silver money of Hawaii, up to \$100, is exchangeable for gold at par by the banks. On sums exceeding \$100 the premium is 3 per cent; that is, \$3 on one hundred. In other words, the exchange is 3 per cent.

Mr. SHAFROTH. Now, Mr. Speaker, it seems to me that to pass legislation of this kind without full investigation in reference to the matter is not wise; for that reason I shall be compelled to vote against this measure. It may be a fair measure. If upon full investigation I find that the fact in regard to these dollars is as stated here, I shall be glad to give the bill my approval and to agree to take up the same under unanimous consent at a future day; but it seems to me that a measure of this kind ought to be investigated by the committee that has this particular subject in charge. For this reason—because the bill has not received, at least in this Congress, such investigation—I shall vote against it.

Mr. SHATTUC. Does not the gentleman from Colorado think that in view of the importance of this question, and as Hawaii has a representative on this floor, it would be well to hear from him on this subject?

Mr. SHAFROTH. I would be glad to yield to the gentleman from Hawaii, if he is here and desires to be heard. [A pause.]

I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, for the information of the House, I want to ask the representative from Hawaii [Mr. WILCOX] some questions that the chairman of the committee, the gentleman from Massachusetts [Mr. KNOX], has not answered satisfactorily—questions on matters of which we are all ignorant. I want to know whether the Hawaiian silver coins circulate in Hawaii at their face value—

Mr. WILCOX. They do.

Mr. GAINES (continuing). And if not, how do they circulate?

Mr. WILCOX. They circulate at their face value; that is, the Hawaiian dollar circulates on a par with the American dollar.

Mr. GAINES. How does it circulate as compared with the gold dollar?

Mr. WILCOX. In exchange for gold we have to pay on every \$100 a premium of \$3.

Mr. GAINES. When did that begin—since or before the annexation of Hawaii?

Mr. WILCOX. Before; that is the bankers' exchange rate.

Mr. GAINES. What objection have you or your people, the Hawaiians, to bringing your abraded Hawaiian coin to the mints of the United States and having it coined into United States dollars, as this bill provides?

Mr. WILCOX. We have no objection. Our country being annexed to the United States, we might as well have the same kind of dollars as the United States, rather than different dollars.

Mr. GAINES. Have you seen this bill?

Mr. WILCOX. I have.

Mr. GAINES. Do you approve of it?

Mr. WILCOX. Yes.

Mr. GAINES. Mr. Speaker, I have, I take it, two or three minutes left. I yield that time to the Delegate from Hawaii if he desires to explain this matter further.

The SPEAKER. Does the gentleman from Hawaii desire to avail himself of the time yielded to him by the gentleman from Tennessee?

Mr. WILCOX. I do not.

[Mr. KNOX addressed the House. See Appendix.]

Mr. COCHRAN of Missouri. Mr. Speaker, in my judgment, this bill was improperly referred to the Committee on the Territories. The title as well as the text of the bill shows that it should have been remanded to the Committee on Coinage, Weights, and Measures. It refers to matter within the jurisdiction of that committee exclusively, but it went to the Committee on Territories, and that committee did not see fit to avail itself of the privileges permitted by the rules of the House under which the Committee on Territories might have brought it back to the House so that it could go to the proper committee.

Thus the Committee on the Territories undertook to give the House an intelligible report embodying its reasons for recommending favorable action. Instead of doing this, it comes here with a report two pages in length, and seemingly unprepared to elaborate this report in response to interrogations propounded on the floor. The report says little, and those who present it less, in the attempt to explain what will be the effect of the measure upon the finances of Hawaii. I do not think the Committee on Territories should have retained jurisdiction of the matter at all; but certainly after having undertaken to determine the questions involved in the measure for the House, that committee should

have given us a full, fair, and comprehensive report, and should have come here prepared to tell the House what changes in existing conditions would result from the passage of the measure.

Now, what are the conditions prevailing? I understand that the Hawaiian Islands are on a gold basis. I understand that their money circulates at par with the money of the United States, and the only distinction between our coinage and theirs is that their silver coin bear the impress and devices of the Hawaiian Republic.

Furthermore, I think it is apparent, as an inference derivable from the report of the committee, that there, as here, all forms of money in circulation are at par. If so, we must infer also that the Hawaiian Islands had, when independent, exactly the same monetary system that prevails in the United States. We must infer that their currency is at par with gold, because we are told by the committee report that the silver money is a legal tender for only \$10.

Mr. KNOX. I so stated.

Mr. COCHRAN of Missouri. I have myself, Mr. Speaker, an imperfect recollection that when this matter was up a year or so ago before the Committee on Coinage, Weights, and Measures, these questions were discussed. My recollection is that it was then understood by our committee that in Hawaii the silver dollar is a legal tender for any and all sums, and the subsidiary coins for not exceeding \$10. The bill pending before the Coinage Committee, according to my recollection, was objected to by some members of the Coinage Committee because it would have reduced to an appreciable extent the available legal-tender money of the islands. It was also contended that it would make the money of the islands subject to shipment out of the islands when it became profitable to do so, and would result in great inconvenience to their trade.

Now, if my recollection is correct, there can be no valid objection to the passage of the pending bill, because it is not open to these objections. But the question is, ought the House to be asked to act upon a report of a committee merely upon the statement that for some reason some of the members of that committee think the bill ought to be enacted into a law?

Why, the last argument of the gentleman who has just taken his seat, and the argument generally of the advocates of the bill, as I understand it, is an argument which, had it any foundation in the facts, in my judgment, ought to defeat the bill. If Hawaiian money is worth only 50 cents in the dollar of our money, as has been alleged, then the enactment of such a law as this would double every obligation owed by the people of the islands in any shape whatever. I feel quite sure, however, that there is no foundation whatever for the statement that the silver coin of the Hawaiian Islands is at a discount.

Mr. Speaker, the Committee on Territories brings this bill to the attention of this House in a wretchedly unsatisfactory shape.

Mr. KNOX. Will the gentleman allow an interruption?

Mr. COCHRAN of Missouri. Yes.

Mr. KNOX. It is precisely the bill you reported when you had it before your committee, and the report does not differ.

Mr. COCHRAN of Missouri. I beg the gentleman to remember, when he says "my committee," that he must refer to an organization with which Democratic Congressmen have but little to do.

Mr. KNOX. I beg the gentleman's pardon. I thought he was a member of the Committee on Coinage, Weights, and Measures.

Mr. COCHRAN of Missouri. So I am.

Mr. KNOX. I thought so.

Mr. COCHRAN of Missouri. And nominally a good many Democrats are on a good many committees; but if they are allowed to have much to do with what those committees report, I have never heard of it. [Laughter on the Democratic side.]

[Here the hammer fell.]

Mr. SHAFROTH. How much time have I remaining?

The SPEAKER. The gentleman has two minutes remaining.

Mr. SHAFROTH. I yield one minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, the Delegate from the Territory of Hawaii [Mr. WILCOX], in reply to a question that I asked him just now as to who, if anyone, had gathered up these abraded coins, stated that the banks had done so. He also alluded to the fact that he had just filed a petition from a constituent of his, which I now hold in my hand, which, with the indulgence of the House, I will read. It may shed some light on the subject. It is as follows:

BANKING HOUSE OF BISHOP & Co., ESTABLISHED IN 1858,
Honolulu, January 13, 1901.

DEAR SIR: Some time since we wrote to Secretary Gage, of the Treasury, with reference to the redemption of the Hawaiian silver that is in circulation here. He replied that he would bring the matter to the attention of one of the committees, and since then we have no knowledge of any steps being taken.

As you well know, the Hawaiian silver is not legal tender in the United States and is the source of a great deal of trouble here. As the representative of the Territory for the interests of this country, we write asking that you will call upon the Secretary and urge upon him such measures as may

be necessary for the redemption of this coinage. There is now in existence between \$900,000 and \$1,000,000, and is a very important matter that needs attention at this session of Congress.

Thanking you for the attention, we remain, very respectfully,

BISHOP & CO.

Hon. R. W. WILCOX,

Representative of the Territory of Hawaii, Washington, D. C.

It seems that they want it redeemed, Mr. Speaker. This bill provides for recoinage and not for redemption.

[Here the hammer fell.]

Mr. SHAFROTH. Mr. Speaker, in the one minute I have remaining I want to say that in glancing at this bill it seems to me it is defective in several particulars. It provides that this silver coin shall be exchanged or recoined into "standard silver coins." For what standard silver coins it does not say. The standard dollar is the only standard silver coin that I know of that receives the designation of "standard;" and whether this full legal-tender coin of the Hawaiian Islands can be coined into subsidiary coin under this bill would seem to be quite likely.

Mr. KNOX. In what line of the bill?

Mr. SHAFROTH. In line 4 it says:

And the superintendent of the said mint shall pay for such coins at their face value, to the proper officer or agent of the Government depositing the same, the sum so deposited, in standard silver coins of the United States.

That is vague. If it means silver dollars it ought to be so expressed. If it means subsidiary coin it ought to be so expressed. I am opposed to exchanging standard dollars of the Hawaiian Islands for subsidiary coin, and thus substituting legal-tender money for limited legal-tender coins.

Mr. GAINES. At their face value, too.

Mr. SHAFROTH. It seems to me this is not the proper kind of a bill to bring before the House under a suspension of the rules. No bill relating to the monetary system of this Government or of the Hawaiian Islands ought to be so considered. It ought to receive careful consideration, and ought to be considered in Committee of the Whole House on the state of the Union and be subject to amendment. Because of the fact that the bill is vague as to the exact changeability of these coins, and because some doubt exists as to whether the Hawaiian dollars are of the value of our dollars, in my judgment, it seems to me the bill ought not to pass.

[Here the hammer fell.]

The SPEAKER. Debate on this question is exhausted. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. KNOX) there were—ayes 70, noes 55.

Accordingly, two-thirds not voting in favor thereof, the motion to suspend the rules and pass the bill was rejected.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WOODS, indefinitely, on account of important business.

To Mr. JOHNSTON, indefinitely, on account of important business.

ORDER OF BUSINESS.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

Mr. SHERMAN. Will the gentleman yield to me for a moment, to get the Indian appropriation bill into conference?

Mr. LOUD. I yield to the gentleman.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the House nonconcur in Senate amendments to the Indian appropriation bill and ask for a conference thereon.

The SPEAKER. The gentleman from New York asks that the House disagree to the amendments of the Senate to the Indian appropriation bill, and asks for a conference thereon.

Mr. McRAE. Mr. Speaker, has the gentleman any special reason for pressing that this evening? I would be glad for him to allow it to go over until to-morrow.

Mr. SHERMAN. I am not pressing it. It has been on the table five or six days.

Mr. McRAE. Is the gentleman from Illinois [Mr. CANNON] present?

Mr. SHERMAN. I have seen the gentleman from Illinois [Mr. CANNON] and he is satisfied with this action. I consulted him.

Mr. McRAE. I withdraw any objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair appoints Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE as conferees on the part of the House.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The gentleman from California moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair. The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill. The gentleman from Michigan has the floor.

Mr. HENRY C. SMITH. Mr. Chairman, at the adjournment of the House I was just upon the proposition of the question of speed as bearing upon the question of increased rate for the carrying of mail. I was about to answer the question asked by the gentleman from Ohio, and I submit that this idea that the railroad companies are entitled to increased compensation because of the claimed increase of speed made by the mail trains is largely an exaggeration. I am borne out in this position by the opinion of Professor Adams, and, I think, by the opinion of nearly all of the witnesses who spoke upon that question before the commission. The question of speed is simply an exaggeration. I want to submit, further, that the speed made by the so-called fast trains between stations is not much, if any, in excess of the speed made by the local trains.

Take the fast mail from New York to Chicago, for instance, on the Lake Shore road, and if gentlemen will consult the schedule they will find that from station to station that train does not make as good time as many of their local trains make. They make better time between the terminal points of New York and Chicago, because they are going all the time. I want to say, further, that that mail is carried from New York to Chicago without any actual expense to the railroad company. There is not a day that that train makes a trip from New York to Chicago or from Chicago to New York that the passenger traffic on that train does not pay the expenses of its operation. They have one coach, which is substantially the business office of the train, in which the conductor can ride and the brakemen can ride. It would be carried the same as a caboose would be carried on other trains, but they gather up passengers all the way along, and it is always filled. I will venture to say that passenger traffic on that train pays the whole expense of it.

Mr. SHATTUC. Will the gentleman allow me to ask him a question?

Mr. HENRY C. SMITH. Certainly.

Mr. SHATTUC. Do you suppose the passengers on that mail train would not go on any other train if they did not go on that train?

Mr. HENRY C. SMITH. Some of them would, I suppose.

Mr. SHATTUC. I would like to ask the gentleman if there was any practical railroad man before that committee who made the statement that increased speed did tend to increase expense?

Mr. HENRY C. SMITH. I do not want to make the impression that I am on the committee. I am not.

Mr. SHATTUC. That is well understood.

Mr. HENRY C. SMITH. But I have read the testimony, and there were a number of railroad men who gave testimony, and every one, so far as I know, said that this idea that increased speed means increased expense is exaggerated.

Mr. SHATTUC. It may be exaggerated.

Mr. HENRY C. SMITH. Now, I will admit what the committee say, that when railroad companies had a light rail and poor equipment and a poor roadbed it might have increased the expense; but with the present condition of the roads, taking the condition where speed can be made as never made before, in modern railroad management the question of speed is not a serious one, as shown in this report. I want to call attention to some testimony upon that subject, and upon this question of judgment, too. I want to say I am not criticising the chairman of this committee, the gentleman from California. I have referred to his testimony, because I thought he was fair, and because he is the chairman of this committee.

Mr. LOUD. Will the gentleman yield to me? My friend, I think, is making a mistake about that. There are two individuals.

Mr. HENRY C. SMITH. I mean Mr. LOUD.

Mr. LOUD. "Mr. LOUD" is not chairman of the commission.

Mr. HENRY C. SMITH. I said this committee—on Post-Office and Post-Roads.

I call attention to this proposition as found on page 22 of the report, and here is a question by the chairman, which, I understand, is Senator WOLCOTT:

The CHAIRMAN. You may go on with your suggestions.

Mr. ADAMS. My judgment is that the application of the law of 1873 to the present conditions under which mail is carried results in an overpayment on the dense routes. This conclusion is supported, first, by a comparison of mail compensation on any route exceeding 150 or 200 miles with railway compensation for carrying express matter or first-class freight. I trust you understand that this is not in the nature of a demonstration. We can find from such a comparison some idea as to how the law of 1873 works on one hand and how the commercial considerations work on the other.

In this same connection he shows that the New York Central Railroad Company carries the express for the company which operates over its road for 40 per cent of the express earnings.

Now, it can not be demonstrated how much it costs to carry 100 pounds of express a thousand miles—it can not be proved to an absolute certainty—and yet this great railroad, one of the greatest in the country, is willing to carry all the express that is turned over to it for 40 per cent of what the express company receives for the service, and that would be some indication as to whether or not the mail rate is reasonable. Professor Adams gives some tables wherein he shows that the railway charge for a ton of mail from the city of New York to the city of Buffalo is \$31.73, and the railway charge for a ton of express is \$12.50. The railway charge for 100 pounds of mail is \$1.586, while the railway charge for 100 pounds of express is \$0.625. The railway charge per ton per mile for mail is 7 cents and something, and the railway charge per mile for express is 2 cents and something. The railway earnings per annum for 125 tons of mail daily is \$1,447,840.41. The railway earnings per annum for 125 tons of express daily is \$570,312.50. These are Professor Adams's figures. Now, he says this, and he criticises this committee because they do not bring the facts to him. They say they could not follow the lead of Professor Adams, the expert that was called in after they had taken their testimony.

Mr. BURKE of Texas. You are talking about the commission and not the committee?

Mr. HENRY C. SMITH. Yes, I am talking about the commission, and I think the committee should have followed him. This expert was called in, and after they had taken the testimony they said, "Go over this and sift it from a judicial standpoint; you are neither the agent of the railroad company nor the agent of the Government. You stand there in a judicial sense and criticise this testimony and analyze it and come to your conclusions and say what we should do."

This committee failed to follow Professor Adams, because they say he has not been able to show them sweet Caesar's wounds; he has not been able to demonstrate it to an absolute certainty that the railroad company will not lose anything. For that reason they will not disturb the existing contract with the railroad company.

Now, I want to show that on the 23d of November, 1899, Professor Adams said to that commission, "You have not sufficient facts, or if you have sufficient facts, you decline to lay them before me, and I ask you to bring the Superintendent of the Railway Mail Service before me, who knows something about this, and let him speak;" but they never brought him, so far as I can find in the testimony. Now, they criticise Professor Adams for not bringing facts, when they refused to follow his suggestions.

Mr. HOPKINS. I do not quite understand my friend. Professor Adams states that he has not facts enough before him upon which to predicate an opinion.

Mr. HENRY C. SMITH. No; he says he has the ordinary facts that an ordinary railway management itself has in order to fix the rates.

Mr. HOPKINS. But in order to draw any conclusion he wants some evidence.

Mr. HENRY C. SMITH. He wants some further evidence on one particular subject.

Mr. HOPKINS. And that evidence never has been produced.

Mr. HENRY C. SMITH. I think it has, or at least sufficient has been produced from which fair inferences may be drawn.

Mr. SHATTUC. I am not acquainted with Professor Adams. Will the gentleman state where he lives?

Mr. HENRY C. SMITH. Well, that will be a source of serious lament to him. [Laughter.]

Mr. SHATTUC. Does he live in your district?

Mr. SIBLEY. He is a theorist and a school-teacher, is he not?

Mr. HENRY C. SMITH. He is the statistician of the Interstate Commerce Commission and professor of political economy in the University of Michigan.

Mr. SHATTUC. Lives in your district?

Mr. HENRY C. SMITH. No, sir; I live in his district. [Laughter.]

Mr. SHATTUC. The gentleman seems to have implicit confidence in him and is giving him a good advertisement.

Mr. HENRY C. SMITH. He does not have to have any advertisement, nor does the college, for we have more than 39 graduates in this Congress.

Mr. SHATTUC. He secured his experience in the railway office while in college, I suppose. He never had any actual practice.

Mr. HENRY C. SMITH. He is the statistician of the Interstate Commerce Commission, and has been for a great number of years, and is professor of political economy in the University of Michigan.

Mr. SHATTUC. But as he sets himself up for an expert, of course it is not discourteous to inquire how far we should believe him as an expert. I would like to know how much experience he has had.

Mr. HENRY C. SMITH. He was of sufficient importance to be employed by this commission as an expert. They employed him

to take his judgment. The Interstate Commerce Commission considered him of sufficient importance to employ him as an expert.

Mr. SHATTUC. But the commission paid no attention to his recommendation, as I understand. They discarded it.

Mr. HENRY C. SMITH. Yes; and I want you gentlemen of this House to correct that error of the commission.

Mr. MANN. Is it not barely possible that they knew him better after they had employed him than they did before?

Mr. HENRY C. SMITH. That was suggested by the gentleman from California; but, if I am permitted to finish, I will show that the last thing said by the gentleman from California to Professor Adams was:

The information that you have furnished to us I did not believe it was in the power of any man in this world to furnish.

That is the character that the gentleman from California gave to Professor Adams when he left the stand. Now here is what he said on page 24:

I, of course, recognize that the above calculation does not conform to the conditions under which mail is actually carried. It is submitted rather as an emphatic expression of the fact that one must know every detail under which traffic is carried on the dense routes before he can judge whether the present compensation is or is not an overpayment. You may have at your command all these details, but I have not; nor do I find them in the testimony. This is what was meant when, in a letter to the chairman, I suggested that the commission needs more information from the Superintendent of the Railway Mail Service.

That request of his for further information as to the weighing of the mails was made November 23, 1899. But he did get a little testimony. I call attention to page 30. Now, their theory is that a mail car carries only 2 tons of mail. That is what they insist upon.

Mr. ADAMS. I would like to know if upon the New York and Philadelphia route the average is 2 tons per car. It would seem to me that it ought to be more.

The CHAIRMAN. Let me just ask General Shallenberger—

Referred to, I believe, by the gentleman from California as "Shallenberger the Pious."

Mr. HAMILTON. "Shallenberger the First."

(Addressing Mr. Shallenberger.) Have you any idea as to this?

Now, gentlemen, you will understand that this is right before the jury. The witnesses were right there. There was no opportunity, as Mr. Lincoln used to say, to "horse-shed" them before they were brought in—before their counsel or attorneys had had any opportunity to change their minds—that is, to fix them up, if that could be done with gentlemen so eminent as these.

"Have you any idea as to that?" says the chairman to General Shallenberger.

General SHALLENBERGER. I think it is over 3 tons per car on that route. They were insisting to Mr. Adams that it was only 2 tons.

Mr. LOUD. Who are "they?"

Mr. HENRY C. SMITH. The commission.

Mr. LOUD. Oh, I beg your pardon. The commission does not insist on anything of the kind.

Mr. HENRY C. SMITH. The question asked was if the basis of his estimate was 2 tons to the car. So in that way I say the commission was insisting upon it.

Mr. LOUD. The gentleman knows that the commission were not on the stand as witnesses.

Mr. HENRY C. SMITH. Certainly.

I think it is over 3 tons per car on that route. Mr. Bradley, the superintendent of that division, is here and could undoubtedly give you the information.

The CHAIRMAN. Can you give us, generally, the tonnage capacity on the Pennsylvania road, Mr. Bradley?

Mr. BRADLEY. My recollection is that at the last weighing of 1897 our returns show an average of 6,000 pounds to a postal car.

The CHAIRMAN. About 3½ tons?

Mr. BRADLEY. Yes, sir.

Mr. MANN. That would reflect seriously upon their knowledge of arithmetic if they made 3½ tons out of 6,000 pounds. Was that the testimony of Professor Adams?

Mr. HENRY C. SMITH. No; that is Mr. Bradley's testimony—your witness' testimony—the railroad company's witness.

Mr. LOUD. Oh, I beg the gentleman's pardon.

Mr. HENRY C. SMITH. He is the Superintendent of the Railway Mail Service.

Mr. LOUD. I hope the gentleman will withdraw that part of his remarks. A more estimable gentleman than Mr. Bradley does not exist in this country.

Mr. MANN. The gentleman from Michigan does not need to "withdraw that part of his remarks."

Mr. HENRY C. SMITH. Now they go on and speak of storage cars for carrying the mails, and Mr. Adams finally says:

My statement was that if 3½ tons were carried the earnings were high enough to warrant a reduction. If 2 tons were carried, they were not high enough; and the fact being, as we first learned, that over 6 tons are carried, on the average, it would support my conclusion that the rate can justly be reduced.

And that was the conclusion that he arrived at, eventually, while he was being interrogated by the commission. That is tes-

timony which shows that the mail contract is a good one; and, as Professor Adams says further, on page 25 of the testimony, "that it is a sure thing; that the pay is sure; that the load is almost equal every day."

Mr. LOUD. Oh, no.

Mr. HENRY C. SMITH (continuing). "That it is substantially the same in each direction."

Mr. LOUD (interrupting). By no means.

Mr. HENRY C. SMITH (continuing). "That it is substantially the same in each direction." It is what railroad men would call a homogeneous traffic.

Mr. LOUD. That is not true.

Mr. HENRY C. SMITH. Well, substantially. The railroad company has no trouble with handling the mail; that it is put on and taken off by the Government officials, and, as a rule, it is put up in the same-sized bags every day.

Mr. LOUD. Oh, no; the gentleman is entirely mistaken.

Mr. HENRY C. SMITH (continuing). And the United States Government pays promptly for the service; that the United States Government stores the mail sacks away, takes care of them, has its representatives put them on the car, and hand them out; that the mail service is worth a great deal to the railroad company, because of the little handling the company has to give to the mails; that the company has a comparatively small service to perform as compared with original shipments of other freights; and all of these are matters which should be taken into consideration in fixing a value on the Railway Mail Service of the country. The equipment is used all the time; no idle cars.

Mr. LOUD. Will the gentleman allow me an interruption?

Mr. HENRY C. SMITH. Certainly.

Mr. LOUD. I would like to suggest to the gentleman one or two points where he is entirely in error in the statement he has just made. The gentleman certainly would not want to be understood as saying that this mail service, back and forth, is practically the same in weight every day. In some cases in one direction it will double the amount in another. On many of these roads the Western mail is more than double the Eastern mail.

Mr. HENRY C. SMITH. Well, Mr. Speaker, it is substantially the same. I am simply quoting from the testimony before the commission. It is in evidence here that it is practically the same both ways.

Mr. LOUD. By no means; the gentleman is entirely mistaken.

Mr. MANN. I would like also to make a suggestion to the gentleman from Michigan, because I apprehend he would not care to have an erroneous statement go out in the RECORD such as he has just made, that the mail sacks are the same in weight and size every day. Now, these vary very much. There are a number of different sizes, and the gentleman will recognize that fact himself when he sends for a mail sack in which he wishes to send matter out to his district.

Mr. HENRY C. SMITH. Now, Mr. Chairman, I wish further to call the attention of the committee to another statement of Mr. Adams, where he concludes his testimony. We are informed as to what took place before the commission, and I read from page 38 of his testimony:

Mr. LOUD. I have been very much impressed, Professor Adams, with your treatment of this question of density of the mail, and if it can be worked out satisfactorily it seems to me to be a solution of the question.

Now, after that testimony was so concluded, on the 23d day of November, 1899, Professor Adams was recalled before this special commission, and was recalled before it for the purpose of having his testimony revised, or his opinion revised, and when they say they succeed in driving Professor Adams from the conclusion he had reached upon their own testimony taken by themselves upon the usual theories and methods used to supply testimony and to find its value they then dismissed him. And I wish to call attention to another point or two in the same connection. The chairman says, as will be found on page 393 of the testimony, referring to Mr. Adams:

The CHAIRMAN (Mr. WOLCOTT). Professor Adams, your testimony has not yet been printed finally, but copies have been read by the different members of the commission, and it has occurred to several of us that there are some questions which it is desired to propound, and we have therefore asked you to take this long journey from Michigan at this time, because, first, Mr. LOUD has prepared a number of interrogatories which he wishes to submit to you upon the substance of your report to the commission, thinking it possible that it might result in some change or modification or reassertion on your part. We have, therefore, thought it best not to print your testimony until after the commission shall have heard all you have to say.

And then, in page 395 of the same report, they reproduced the same testimony substantially, and head it by calling it a revised statement of Professor Adams.

Mr. LOUD. You do not assume that the commission revised his testimony, do you?

Mr. HENRY C. SMITH. No; I say it never was revised, and there is no commission in this world that can revise him or his opinion or his testimony.

Mr. LOUD. I say that he revised it himself.

Mr. HENRY C. SMITH. In this report they call it revised testimony and in the index it is referred to as revised testimony, but it is precisely the same that is found on page 393 of this report.

Mr. LOUD. No; it is not.

Mr. HENRY C. SMITH. At least it so starts out.

Mr. LOUD. Well, some of it is; yes. When Professor Adams revised his testimony the clerks of the commission and the members of the commission were unable to read it. He had substantially stricken out or modified or so changed his answers that there was not a person in Washington who could read it, and then the reporter's notes of his testimony as given were printed side by side with it. So Professor Adams revised all that testimony which materially differed from his answers to the questions propounded to him at that time. He did the same as we do here sometimes.

Mr. HENRY C. SMITH. Here was the method used, and I call the attention of gentlemen to his testimony on page 407 of this report:

Mr. LOUD. Well, you laid down the fundamental principle, which you will not depart from, that the railroad companies should be paid for services rendered, and in order to do that you must know something about the cost of that or a similar service, or the returns from a similar service.

Mr. ADAMS. You remember, however, my application of the rule of compensation, do you not, in here?

I suppose referring to his report.

It is not necessary that every particle of service should be covered by its particular cost, but that the railroads, under the decisions of the courts and upon the correct interpretation of compensation, are at liberty to demand that their gross receipts cover their gross expenses, together with profit upon their property, and that the rule by which these gross receipts are collected, by making out a schedule of rates, is in the nature of a public question and not a private one.

Mr. LOUD. Do you assume that the Government would have the right to compel the carrying of its mails at less than cost, simply upon the assumption that the railway companies may recoup from the people in other directions?

Mr. ADAMS. I assume that under existing law the Government has the right to regulate all rates, and that the regulation of mail rates is one phase of the regulation of railroad rates.

Mr. LOUD. Yes; but they do not, practically, regulate rates.

Mr. ADAMS. I am sorry to say that they do not at present regulate all the rates, but that does not debar the Government, in a case where it can regulate the rate, from determining what the just rate for railway mail pay is in comparison with what they now get for other service.

Mr. LOUD. Have not you laid down the broad principle that railroads should be paid adequately for carrying the mail?

Mr. ADAMS. Together with the other business they transact.

Now, I submit, Mr. Chairman, that that is a fair proposition, and from the testimony printed here it is shown that he is a fair witness, and I believe that his guidance should be followed.

As I said here the other day, I am glad as an American citizen, as the representative of some railroads, that this investigation was made, for, as was shown by the report submitted by the gentleman from Massachusetts [Mr. MOODY] when I was before addressing the committee, the rate for the carrying of mail has been reduced, I think, 41 per cent.

Mr. LOUD. Thirty-nine.

Mr. HENRY C. SMITH. Thirty-nine per cent, while freight rates have only been reduced 41 per cent, so that the difference is not great.

Now, when this law went into effect the railroads thought it was a hard law, if they were in earnest and were honest in their position; but it has turned out since that it is a favorable law, favorable to them. Now, Professor Adams, after sifting all the testimony, going through all the theories, finding all the facts that were laid before him, says that upon these dense routes, where there is a lot of mail carried, the rate may be reduced without harm to the railroad companies.

Mr. WM. ALDEN SMITH. Does he say how much?

Mr. HENRY C. SMITH. Five per cent; that is all.

Mr. LOUD. A sliding scale.

Mr. HENRY C. SMITH. Yes; on a sliding scale in certain other services.

Mr. LOUD. As high as 12 per cent.

Mr. HENRY C. SMITH. The reduction all told amounts to \$3,000,000, and that is all it would be, or, as I recollect from Professor Adams's deductions, less than one-twentieth of 1 per cent of the dividends of the railroad companies; and that is all you are asked to do.

Mr. LOUD. Not of the dividends.

Mr. HENRY C. SMITH. Of the net earnings, I should say. It is a mere nothing. And yet it will satisfy the people, and in my judgment it would be a good thing for the railroad companies, too. When a bad law is made against a railroad company it is because of bad lawyers that insist before the court on inequitable positions.

Mr. LOUD. Sometimes too many lawyers.

Mr. HENRY C. SMITH. Yes, Mr. Chairman, sometimes too many lawyers. They say, and that is right, that a man was first a preacher, then a doctor, and then a lawyer. And when a preacher he learned that people would pay a dollar to save their immortal souls; when he was a doctor he learned they would pay \$5 to save their lives; and when he was a lawyer he learned that they would pay \$25 to have their own way. That is what the railroad companies want to-day; and in making opposition to this

reasonable reduction of these rates, that will not confiscate the property of the railroad company, that will be entirely harmless to everyone when added in this law—in making opposition to this we claim that the railroad companies are their own enemies.

Now, Mr. Chairman, a point of order has been raised against this amendment; and I do not know whether I may be permitted to argue it and discuss it; but if I am, I would like to know at what time I may do so, and I make the parliamentary inquiry as to when that may be discussed?

Mr. LOUD. When we get to consider it under the five-minute rule.

Mr. HENRY C. SMITH. I understand from the rules—of course the point is not dry on me as a statesman; I have just come in here—but I understand from the rules the discussion of the question on the point of order is in the discretion of the Chairman; and I was appealing to the Chairman for his opinion in advance of any argument on the point of order.

Mr. MANN. I think that matter, Mr. Chairman, is very easily disposed of. The point of order was reserved, and when the point of order is insisted on, then the gentleman will have an opportunity, if the Chair wishes to hear him.

Mr. PAYNE. If the gentleman should discuss the point of order before the present occupant of the chair, the other occupant may be here to decide it. It may not make any difference as to the decision.

Mr. HENRY C. SMITH. Of course I did not appeal to the gentleman from New York; the parliamentary inquiry that I suggested was to the Chair. I want to know at what time I might discuss the point of order.

The CHAIRMAN. So far as the Chair is advised, the gentleman from Michigan has unlimited time for the purpose of discussing this amendment. If the point of order is now raised, the Chair will decide it.

Mr. MANN. Mr. Chairman, I believe the understanding was that the House should now proceed with general debate, so that the point of order is not at present before the Chair.

The CHAIRMAN. The Chair will state, as he understands it, the House is now considering this amendment in general debate, and the time of the gentleman from Michigan is unlimited—

Mr. HENRY C. SMITH. Yes, sir.

The CHAIRMAN. The point of order not now being before the House—

Mr. HENRY C. SMITH. That was the point I desired to be advised upon.

Now, it seems that not only was it not possible to revise and change the testimony and conclusions of Mr. Adams, but that he, at least, had a suspicion that he had taken the members of the commission too seriously. And it appears that he had his opinions, that they were based upon satisfactory evidence, and that he is firm in these opinions yet, for, after he left the commission at its last sitting, and after all had been said concerning the changes in his testimony, and after it had been seen and criticised by the commission and by the public (and I want to submit that it was unfair to give his testimony to the public), he went to his home and made and submitted his report recommending a reduction.

I call attention to his testimony on pages 445 and 446, as follows:

Of course, the question remains why this horizontal reduction stops at 5 per cent. This is also a matter of judgment, and in making reply I can only show you the basis upon which my judgment rests. I assumed that the purpose of this commission was to efface the deficit in the Post-Office administration. Possibly I took too seriously the statement of the chairman when (Part III of testimony, p. 76) he explained the reason for the existence of this commission as follows: "The country finds itself running an unprofitable Post-Office Department. It desires to find a remedy for it." In reading the testimony presented I find that the advocates of the railways objected to any reduction whatever, claiming that now they were underpaid, while many of the advocates of reduced pay desired not only to wipe out the deficit but to reduce postage at the same time, and proposed to throw the entire burden of economy upon the railways. Now, I hold that the railroads are overpaid, but they are not grossly overpaid, and it seems to me fair to them that they should not be called upon to bear the entire burden of the economies necessary to wipe out the postal deficit. In viewing this entire matter I came to the conclusion that \$3,000,000 was the limit that could reasonably be asked from railways and that the remainder of the saving necessary to wipe out the deficit should come from the economies in the postal administration itself.

I found that the differential reduction suggested would result in a saving of about one and a half millions of dollars, which left one and a half millions to be secured by horizontal reduction. It was by this process of reasoning that I arrived at the basis of 5 per cent. I am glad of the opportunity to make this explanation, because it shows that the recommendation of 5 per cent horizontal reduction in railway mail pay rests upon the assumption that my report is but a part of a general scheme for reorganizing the Post-Office Department in order to extinguish the annual deficit.

Mr. LOUD. We have stumbled along, Professor, and I want to say that as far as your report is concerned it seems to me that it has narrowed this question down until to my mind we have it pretty close, but still we do not seem to have fully mastered the subject, although I think we are pretty near the end. You have rendered us service that I never expected could be rendered.

Regardless of the splendid compliment paid Professor Adams by the gentleman from California [Mr. LOUD], he seems to have been left in the Slough of Despond and doubt in his fruitless search for facts, and he frankly admits that the more facts with which he is confronted, "the more the wonder grows."

I call attention to his confession on page 35 of the testimony, as follows:

Mr. LOUD. But how far have your investigations led you to apply it to the transportation of mail?

Mr. ADAMS. I see no reason for limiting it in the case of the transportation of mail; but I would say that if it should appear from the statistics that it did not apply in the case of the transportation of mail, it would seem to me to suggest the necessity of investigating the manner in which mail is dispatched. Transportation of mail is transportation just like freight or passengers, and it partakes, so it seems to me, of that fundamental law of transportation.

Mr. LOUD. I am only seeking light on this question. There are some things that do not appear exactly clear. Senator WOLCOTT touched this question to some extent, and I might add that the more testimony I get upon the subject the less I seem to actually know about it. I only asked your opinion as to whether the rule would apply to mail—that is, when you consider the maximum capacity of the mail car and the insignificance of paying weight to dead weight—whether the same rule would apply; and, further, I might suggest the distribution of mail. It has been stated, I believe, that on the Pennsylvania Railroad, the most dense route, while there is an enormous amount of mail, yet there are a vast number of trains—as high, I have heard it stated, as 110 trains—which carry mail.

It is insisted by some that no action should be taken to reduce the mail pay with any possible uncertainty existing as to whether or not such reduction would be an unsuitable one as affecting the railroads. I want to submit that Professor Adams's position and report would not require the pay to be reduced to railroads which are not receiving a fair compensation, for the language is:

That all routes receiving in excess of 20 cents per ton per mile shall be subjected to a further reduction, etc.

This is precisely my idea and notion, and there is no disposition upon my part, if I were able to do so, to work any injury to the railroads. The trouble with the commission, it seems to me, is that it seems to be admitted that Professor Adams is right in theory, but there is a doubt as to whether he is right in practice. Now, certainly no practice can be right which is based upon a wrong theory. It is equally true that a correct theory will inevitably lead to a correct practice. This matter must be solved as other matters are—solved by comparison and the usual methods of correct judgment.

Let me give another illustration: On page 16 of the bill an appropriation is asked for inland transportation of the mails, \$34,700,000; for postal-car service, \$4,816,000; this makes a total of \$39,516,000. This is to be paid the railroads for simply transporting mails. They do not handle nor touch a package or a pound of mail—simply furnish space and transportation. Now, let us compare this with another branch of the service. The postmasters handle every pound and every package of this mail, and they handle it twice, and yet on page 2 of the bill Congress is only asked to appropriate for the compensation of the postmasters who handle this mail twice \$19,000,000. Again, the railway mail clerks handle and rehandle and distribute all this mail. And on page 17 the bill only asks that there be appropriated to pay the railway mail clerks \$10,118,200.

In conclusion, I desire to say that I do not believe that any adverse criticism of Professor Adams has been meant, for both the gentleman from Massachusetts [Mr. MOODY] and the gentleman from California [Mr. LOUD] have repeatedly stated that they are now willing that the matter of adjustment of railway mail pay should be determined by Professor Adams. And the conclusion of the whole matter seems to be that there should be a further investigation and further proof, and that thereafter the difficulty between the Government and the railroads should be adjusted and that they should continue to do business with that fairness, equality, and harmony so necessary to the proper conduct and carrying out of our mail service, of which we are all justly proud.

This investigation has dispelled the opinion, quite prevalent among the people, that the railroads were receiving unreasonable compensation. Now, for one I hope that there may be a complete, satisfactory, and equitable adjustment of the railway mail pay, whereby exact and complete justice shall be done to the railroads, that they may be allowed fair compensation for their services, and that the Government may have a continuation of the same splendid service from these great carriers, uninterrupted and marked by a continuation of the harmony which has existed in the past, and that, in the interest of both and of all, the matter of mail pay be permanently adjusted so that there may be no further disturbance, and this, I believe will be for the common good.

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. GROSVENOR having assumed the chair as Speaker pro tempore, Mr. BOUTELL of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Post-Office appropriation bill and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. KNOX. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. KNOX. I was very much interrupted by interrogations,

and I ask unanimous consent that I may extend my remarks in the Record on the Hawaiian bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks on the Hawaiian bill, called up on a motion to suspend the rules. Is there objection? [After a pause.] The Chair hears none.

RETURN OF BILL FROM SENATE.

Mr. PEREA. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The SPEAKER. The gentleman from New Mexico asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House the bill (H. R. 5048) confirming in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque grant, and for other purposes, with the amendment of the House thereto.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2871. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890;

S. 3901. An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin;

S. 5717. An act to authorize the construction and to maintain a dam and wagon bridge across Twelvemile Bayou, in the parish of Caddo, in the State of Louisiana;

S. 5351. An act permitting the building of two dams across the Savannah River above the city of Augusta, in the State of Georgia; and

S. 43. Joint resolution granting a life-saving medal of the first class to Lieut. Fidelio S. Carter, of the United States Navy.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13371. An act to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia;

H. R. 11548. An act to authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tenn.;

H. R. 10921. An act granting to Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Ill.;

H. R. 13399. An act for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes; and

H. R. 11970. An act to authorize the Chattahoochee and Gulf Railroad Company, of Alabama, to construct a bridge across the Choctawhatchee River, a navigable stream, in Geneva County, Ala.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5014. An act to authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River—to the Committee on Interstate and Foreign Commerce.

S. 4550. An act providing for an additional circuit judge in the second judicial circuit—to the Committee on the Judiciary.

S. 4248. An act for the relief of Andrew H. Russell and William R. Livermore—to the Committee on Claims.

S. 4150. An act to promote the circulation of reading matter among the blind—to the Committee on the Post-Office and Post-Roads.

S. 5092. An act to provide for the erection of a public building at Greeneville, Greene County, Tenn.—to the Committee on Public Buildings and Grounds.

S. 5698. An act to extend the time for the completion of a bridge across the Missouri River—to the Committee on Interstate and Foreign Commerce.

S. 5688. An act to provide for the purchase of a site and the erection of a public building thereon at Hammond, in the State of Indiana—to the Committee on Public Buildings and Grounds.

S. 5573. An act to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for

Alaska, and for other purposes"—to the Committee on the Revision of the Laws.

S. 5376. An act to provide for the purchase of a site and the erection of a public building thereon at Batesville, in the State of Arkansas—to the Committee on Public Buildings and Grounds.

S. 5174. An act authorizing the construction of a bridge across Rock River, in the State of Illinois—to the Committee on Interstate and Foreign Commerce.

H. S. REED.

Mr. GIBSON. Mr. Speaker, I present the conference report on the bill (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull.

The SPEAKER. The gentleman from Tennessee presents a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 9928, "An act granting an increase of pension to H. S. Reed, alias Daniel Hull," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
J. A. NORTON,
JOSEPH V. GRAFF,
Managers on the part of the House.
J. H. GALLINGER,
JAMES H. KYLE,
GEO. TURNER,
Managers on the part of the Senate.

The statement was read, as follows:

The House bill granted a pension of \$24 a month to the beneficiary; the Senate reduced the rate of the pension to \$12; and the Senate now receding, the effect of the conference agreement is to fix the rate of the pension at \$24.

HENRY R. GIBSON,
J. A. NORTON,
JOSEPH V. GRAFF,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. GIBSON, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. LOUD (at 5 o'clock and 30 minutes), the House adjourned until 12 o'clock noon to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army submitting papers in the claim of William S. Beauchamp—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, submitting the papers relating to the claim of Jesse Moore—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting deficiency estimate for postage for Treasury Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting an abstract of the returns of the militia of the several States—to the Committee on Militia, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for contingent expenses, Department of the Interior—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, requesting the return to the War Department of the papers concerning the claim of the Presbyterian Church of Dardanelle, Yell County, Ark.—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting papers in the claim of McKenzie & Vail—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, reported the bill of the House (H. R. 14017) making appropriations for the support of the Army for the fiscal year ending June 30, 1902, accompanied by a report (No. 2654); which said bill and report were referred to the Union Calendar.

Mr. CANNON, from the Committee on Appropriations, reported the bill of the House (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, accompanied by a report (No. 2655); which said bill and report were referred to the Union Calendar.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11789) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897, reported the same with amendment, accompanied by a report (No. 2657); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 13947) increasing the limit of cost of certain public buildings, and for other purposes, reported the same with amendment, accompanied by a report (No. 2663); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8986) for the relief of Frank G. Mix, reported in lieu thereof a resolution (H. Res. 403), accompanied by a report (No. 2651); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11799) for the relief of William E. Cummin, reported in lieu thereof a resolution (H. Res. 404), accompanied by a report (No. 2652); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9793) for the relief of Mrs. Nancy Gnagg, a loyal citizen of the county of Caldwell, State of North Carolina, reported in lieu thereof a resolution (H. Res. 405), accompanied by a report (No. 2653); which said resolution and report were referred to the Private Calendar.

Mr. WEYMOUTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12940) granting an increase of pension to Franklin Follansbee, reported the same with amendment, accompanied by a report (No. 2658); which said bill and report were referred to the Private Calendar.

Mr. VREELAND, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7856) to increase the pension of Matilda E. Lawton, widow of Elbridge Lawton, late chief engineer, United States Navy, reported the same with amendment, accompanied by a report (No. 2659); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12386) granting an increase of pension to William N. Hall, reported the same with amendment, accompanied by a report (No. 2660); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7156) to increase the pension of Juliet C. Nichols, reported the same with amendment, accompanied by a report (No. 2661); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5850) granting a pension to Dicey Woodall, widow of William W. Woodall, reported the same with amendment, accompanied by a report (No. 2662); which said bill and report were referred to the Private Calendar.

Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8917) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions," as applied to disputes between employers and employees in the District of Columbia and Territories engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations, submitted the views of the minority, to accompany report (No. 2007, part 2); which said views were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 13099) to maintain the legal-tender silver dollar at parity with gold, submitted the views of the minority to accompany report (No. 2456, part 3); which said views were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS
INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 14016) to equalize the pay of officers of the line, Medical Corps and Pay Corps of the Navy with officers of corresponding rank in the Army and Marine Corps—to the Committee on Naval Affairs.

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902—to the Union Calendar.

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes—to the Union Calendar.

By Mr. EDDY: A bill (H. R. 14019) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 14020) to establish Lowelltown, Me., a subport of entry—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: A bill (H. R. 14021) authorizing and directing the Secretary of War to make certain improvements at Fort Snelling, Minn.—to the Committee on Military Affairs.

Also, a bill (H. R. 14022) to provide for the establishment of a port of delivery at Stillwater, Minn.—to the Committee on Ways and Means.

By Mr. RAY of New York, from the Committee on the Judiciary: A resolution (H. Res. 406) relative to salary of Representative WILLIAM RICHARDSON—to the Union Calendar.

By Mr. WACHTER: A resolution (H. Res. 407) authorizing the expenditure of \$1,500 additional for removal of files and papers from file room—to the Committee on Accounts.

By Mr. BURKE of South Dakota: A joint resolution of the legislature of South Dakota, favoring the continuance of the Sisseton Indian Agency—to the Committee on Indian Affairs.

By Mr. GAMBLE: A joint resolution of the legislature of South Dakota, favoring the continuance of the Sisseton Indian Agency—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON: A bill (H. R. 14023) granting an increase of pension to M. V. Welsh—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 14024) granting a pension to W. H. McCune—to the Committee on Invalid Pensions.

By Mr. DRIGGS: A bill (H. R. 14025) granting a pension to Helen F. Waldron—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 14026) granting a pension to Emance Gervais—to the Committee on Pensions.

By Mr. GILLET of Massachusetts: A bill (H. R. 14027) to remove the charge of desertion standing against the name of James Russell Cochran—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 14028) for the relief of Aquilla J. Daugherty—to the Committee on Claims.

By Mr. LANDIS: A bill (H. R. 14029) granting a pension to Mary A. Wilber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14030) granting a pension to William F. Wilcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14031) granting a pension to George W. Voris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14032) granting an increase of pension to Jeremiah Wall—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 14033) granting an increase of pension to A. R. Renner—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 14034) for the relief of H. H. Carrow, Samuel R. Carrow, and the heirs of Margaret V. Hill, deceased—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 14035) for the relief of Matilda Pearson—to the Committee on Claims.

By Mr. VAN VOORHIS: A bill (H. R. 14036) granting a pension to Mary M. Shriver—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: A bill (H. R. 14037) granting a pension to Jason D. Whitaker—to the Committee on Invalid Pensions.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 403) referring H. R. 8986 to the Court of Claims—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 404) referring H. R. 11799 to the Court of Claims—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 405) for the relief of Mrs. Nancy Gnagg, a loyal citizen of the county of Caldwell, State of North Carolina—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of the Commercial League of Rome and the Board of Trade of Columbus, Ga., favoring fast mail service between the East and the South—to the Committee on Post-Office and Post-Roads.

By Mr. ALEXANDER: Petition of J. W. Grosvenor and others, of New York City, N. Y., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petitions of employees of the J. L. Hudson Company, Lafayette Avenue Presbyterian Church, P. P. Pratt and numerous citizens and business firms of Buffalo, N. Y., in favor of ratification of treaty which aims at the banishment of the traffic in alcoholic liquors from a great part of the continent of Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. BULL: Petition of the Newport Branch of the Indian Association, favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Irrigation of Arid Lands.

By Mr. COCHRANE of New York: Petition of F. E. Rice and 10 others, urging the passage of a measure providing a permanent supply of live water for irrigating purposes for the Pima and Papago Indians in Arizona—to the Committee on Irrigation of Arid Lands.

By Mr. CORLISS: Petition of R. M. Vaughan and other citizens of Michigan, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. FARIS: Petition of 20 citizens of Terre Haute, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GAMBLE: Resolutions of Retail Implement Association of South Dakota, favoring the passage of an anti-trust law—to the Committee on the Judiciary.

By Mr. KAHN: Petitions of the Pacific Coast Jobbers and Manufacturers' Association and of the Chamber of Commerce of San Francisco, Cal., against the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of E. H. Carroll and other merchants of Sigourney, Iowa, against an appropriation for the distribution of seeds—to the Committee on Agriculture.

Also, petition of citizens of Ottumwa, Iowa, for the repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. MANN: Petition of Pasteur Vaccine Company, of Chicago, Ill., opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. McCALL: Petition of taggers of Bureau of Animal Industry, Boston, Mass., for increase of pay—to the Committee on Agriculture.

By Mr. MIERS of Indiana: Petition and testimony to accompany House bill granting a pension to Mary E. Edmunson—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Schroeder Brothers, of Fort Wayne, Ind., favoring repeal of the war tax on theaters—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolutions adopted by a joint committee of 18 commercial organizations of the city of New York, urging better postal facilities in that city—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Petition of the Woman's Christian Temperance Union and citizens of the State of Connecticut, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN of New York: Petition of the joint committee of commercial organizations of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Resolutions of the Chamber of Commerce of St. Paul, Minn., favoring abolition of duties on articles controlled by monopolies—to the Committee on Ways and Means.

Also, petition of the General Assembly of the Presbyterian Church, for the abolition of the liquor traffic in South Africa—to the Committee on Foreign Affairs.

By Mr. STEWART of New Jersey: Petition of 21 citizens of Passaic County, N. J., favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Irrigation of Arid Lands.

By Mr. SOUTHARD: Petition of keeper and surfmen of lifesaving station at Point Marblehead, and citizens of Ohio, asking

for increase of pay for keepers and surfmen in the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petition of Mary M. Shriver, of Guernsey County, Ohio, to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: Petition of citizens of the Fourth Congressional district of Massachusetts, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WILCOX: Petition of Bishop & Co., of Honolulu, H. I., in relation to the redemption of Hawaiian silver—to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG: Petition of the Morgan Memorial Association, of Winchester, Va., favoring an appropriation for the erection of a monument to mark the resting place of Gen. Daniel Morgan, of the Revolutionary war—to the Committee on the Library.

Also, petition of the Pasteur Vaccine Company, of Chicago, Ill., opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, petition of the American Trade Press Association, for better mail facilities at the New York post-office—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Wyeth & Bro., chemists, of Philadelphia, Pa., in relation to the revenue tax upon certain unpounded drugs or chemicals—to the Committee on Ways and Means.

Also, remonstrances of George W. Kirchner and W. Dewees Fryer, of Philadelphia, Pa., against the passage of House bill No. 12743—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, for such legislation as will strengthen our maritime position—to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, February 5, 1901.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SEWELL, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

DEATH OF QUEEN VICTORIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State and another from Lord Pauncefote. The one from Lord Pauncefote will be read.

The communication was read, as follows:

No. 40.] WASHINGTON, January 30, 1901.

SIR: I have the honor to state that I have received your note, No. 2062, of the 29th instant, in which you were good enough to transmit to me a copy of the resolution passed by the Senate of the United States on the 23d instant, in connection with the death of Her late Majesty.

I should be obliged if you would convey to the President of the Senate an expression of my sincere gratitude for this tribute to the Queen's memory, the text of which I have already communicated to my Government.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

PAUNCEFOTE.

The Hon. JOHN HAY, etc.

The PRESIDENT pro tempore. The communications will lie on the table.

REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Commissioner of Patents, transmitting, pursuant to law, the Annual Report of the Commissioner of Patents for the year 1900. The Chair calls the attention of the Senate to this communication from the Commissioner of Patents. It is accompanied by a very large amount of matter, and the Chair supposes it ought to go to the Committee on Printing.

Mr. CHANDLER. I so move, Mr. President.

Mr. COCKRELL. That is the usual semiannual report, I suppose, and it ought to be printed and then referred to the Committee on Patents. These reports have always been printed.

The PRESIDENT pro tempore. What shall be done with the large number of documents that accompany the report?

Mr. HALE. Send them to the Committee on Printing.

Mr. COCKRELL. The report is always printed. It makes a good, large volume.

Mr. CHANDLER. The committee can report in one day. I move that it be referred to the Committee on Printing.

The PRESIDENT pro tempore. The communication will be printed, and, with the accompanying papers, will be referred to the Committee on Printing, without objection.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the year ended December 31, 1900; which was referred to the Committee on the District of Columbia and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 2871) to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890;

A bill (S. 3901) providing for allotments of land in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin;

A bill (S. 5351) permitting the building of two dams across the Savannah River above the city of Augusta, in the State of Georgia;

A bill (S. 5717) to authorize the construction and to maintain a dam and wagon bridge across Twelvemile Bayou, in the parish of Caddo, in the State of Louisiana;

A bill (H. R. 10921) granting to Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Ill.;

A bill (H. R. 11548) to authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tenn.;

A bill (H. R. 13371) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia;

A bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes; and

A joint resolution (S. R. 43) granting a life-saving medal of the first class to Lieut. Fidelio S. Carter, of the United States Navy.

HOUSE BILL REFERRED.

The bill (H. R. 13438) to authorize the United New Jersey Railroad and Canal Company and the Philadelphia and Trenton Railroad Company, or their successors, to construct and maintain a bridge across the Delaware River was read twice by its title, and referred to the Committee on Commerce.

INAUGURAL ARRANGEMENTS.

The PRESIDENT pro tempore. It is desirable that a joint inaugural committee shall be appointed. The Chair appointed Senators on the inaugural committee under a Senate resolution, but now there has passed both Houses a provision for a joint committee, and under that concurrent resolution the Chair appoints the Senator from Ohio [Mr. HANNA], the Senator from Wisconsin [Mr. SPOONER], and the Senator from Arkansas [Mr. JONES].

COUNT OF ELECTORAL VOTES.

The PRESIDENT pro tempore. The Chair appoints as tellers on the part of the Senate to open the returns and count the votes of electors for President and Vice-President of the United States the senior Senator from New Hampshire [Mr. CHANDLER] and the senior Senator from Louisiana [Mr. CAFFERY].

CREDENTIALS.

Mr. CHANDLER. Mr. President, I rise to a privileged question. I present the credentials of the Senator-elect from the State of New Hampshire, which I ask may be read, printed in the RECORD, and placed on the files of the Senate.

The credentials were read, as follows:

STATE OF NEW HAMPSHIRE, EXECUTIVE DEPARTMENT.

To the President pro tempore of the Senate of the United States:

This is to certify that on the 16th day of January, 1901, Henry E. Burnham was duly chosen by the legislature of the State of New Hampshire a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1901.

Witness: His excellency our governor, Chester B. Jordan, and our seal hereto affixed, at Concord, this 16th day of January, in the year of our Lord 1901.

By the governor:

[SEAL.] EDWARD N. PEARSON, Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

PETITIONS AND MEMORIALS.

Mr. SEWELL. I present the petition of Henry L. Morse, president, W. Randall, superintendent, and 595 workmen and mechanics of the New York Shipbuilding Company, the largest company in the world, and probably the finest equipped, located at Camden, in my State, praying for the passage of the ship-subsidy